

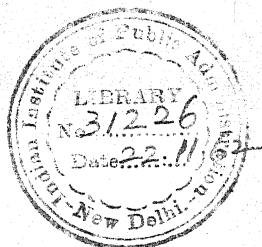
# CONDITION OF INDIA



THE COVER DESIGN  
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REFERENCE  
**CONDITION  
OF  
INDIA**

Being the Report of the Delegation  
sent to India by The India League,  
in 1932



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## FOREWORD.

**T**HE contents of this Report fall easily into two categories: the account of our own experiences and investigations in India and the historical material, without which, as a background, the more immediate issues cannot be fully understood.

The chapters and sections directly concerned with our inquiry have been written from the notes of the members of the Delegation, while for the considerable research involved in the preparation of the historical part we are indebted to our colleague, Mr. V. K. Krishna Menon, M.A., B.Sc., who, in addition to being a member of the Delegation, acted as its secretary.

We recognise that a year is a long delay in the publication of this Report. But the indexing and arrangement of a large amount of documentary material, which we brought from India, and the preparation of our own notes, could not have been completed in less time by people whose other commitments do not permit them to give to such an immense task the whole of their time.

The facts presented here, however, are not in any sense out of date. A delegation which returns at the present time from India would have to report much the same state of affairs as we have described, so far as fundamentals are concerned.

The fight of the Indian people with the Government continues, though its character changes from time to time. The repressive laws and the use of arbitrary power also continues, and discontent remains unabated. The Indian masses still see in Mr. Gandhi and his colleagues their most



trusted leaders, while the Government remains adamant in its refusal to recognise the fact and promote peace.

To our many friends in India who made our stay both useful and comfortable, we express our deep gratitude. A few of them have already suffered imprisonment and worse, as a result of their endeavour to give us assistance.\* We only hope that the facts that we have set forth here and the identities that we have disclosed will not involve more people in trouble.

It is our hope that this Report will lead to a realisation on the part of British readers that what passes for BRITISH RULE in India, carried on in their name, would be intolerable to themselves if they lived under it.

The British Administration in India, as we found out, is still sensitive to opinion in this country. British protests and action can effectively alter the course of policy in India and pave the way for friendship with the Indian people.

MONICA WHATELY.

ELLEN WILKINSON.

LEONARD W. MATTERS.

V. K. KRISHNA MENON.

*The India League,  
165, Strand,  
London, W.C.2.  
Nineteen Thirty-three.*

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\*Instances of this appear in the body of this Report. Also see Appendix V.

## PREFACE

**T**O obtain a true picture of the present state of affairs in India is as important as it is difficult. Many English people content themselves with the remark that India does not interest them. If India were independent, they would perhaps be justified in this attitude, but so long as the British insist upon governing India, they have no right to ignore what is done in their name by the Government which they have elected. There has been no lack of interest in the misdeeds of the Nazis in Germany; they have been fully reported in the Press, and have been commented on with self-righteous indignation. Few people in England realise that misdeeds quite as serious are being perpetrated by the British in India. Large numbers of men and women, including many of the highest idealism, have been imprisoned under horrible conditions, often without any charge having been made against them and without any hope of being brought to trial.

The elementary liberties that make life tolerable have been taken away from the inhabitants of India, for the crime of desiring self-government. The censorship, combined with British apathy, has made it very difficult for the facts to become known. If they could be widely known, there is, I am convinced, enough decent feeling in the country to compel the Government to mend its ways.

The following pages, which give the Report of the Delegation of The India League, should be read by all who are not already convinced that self-government must no longer be refused. Widespread oppression, even when it succeeds for the moment, is both immoral and impolitic. It cannot but produce a deep hatred, which may have to bide its time, but will burst out sooner or later. In the end, if nothing better than force is used in our relations with India, cruelty will be met by cruelty, atrocities by counter-atrocities; the fine idealism of the Congress movement will be swept away by men who will have learnt from us

to believe that the only appeal is to force; In some moment of difficulties elsewhere, we shall find ourselves confronted by a movement we shall not be able to repress, and we shall lose India with ignominy. To any man with any humane feeling, or with any power of learning from history, such a prospect is painful. Who now attempts to justify the period of black-and-tan tyranny in Ireland? Who, fifty years hence, will have a good word to say for the present tyranny in India? No one. It is in our power to cause much misery, perhaps much moral deterioration; It is not in our power permanently to hold India by force.

I hope that readers will pay special attention to the chapter on prison conditions. Prison is at all times unpleasant, and would not serve its purpose were it otherwise, but there are some forms of unpleasantness which no tenable theory of punishment can justify. The system of promoting criminals to be prison officials, when by their sycophancy they have wormed their way into the favour of the authorities, is one which we should not tolerate at home and have no right to inflict upon India. The regulation that prisoners are to have a fresh towel once every nine months does not err on the side of cleanliness. The practice of herding ladies of refinement with prostitutes in the last stages of venereal disease is a questionable one. All these are matters independent of the question whether a system of government can be considered good which puts almost all the best people in prison while offering good careers to cowards and informers.

Another chapter that should be read with attention is the one on the Indian village. The information is given in a form at once lucid and condensed, which makes the economic situation perfectly clear. The economic situation of agriculture in India is part of the world-wide depression of agriculture. There is an economic similarity between the situation of Indian peasants and that of American farmers. But the political differences are so great as to hide the economic similarity. In America, the farmers were able to bring about a change of administration, a re-organisation of the banking system, a change in the currency, and perhaps a reform in the economic practice of the world. In India, the peasants are powerless against the landlords and the Government combined, so that no economic lesson is learned from their hardships, and they are expected to

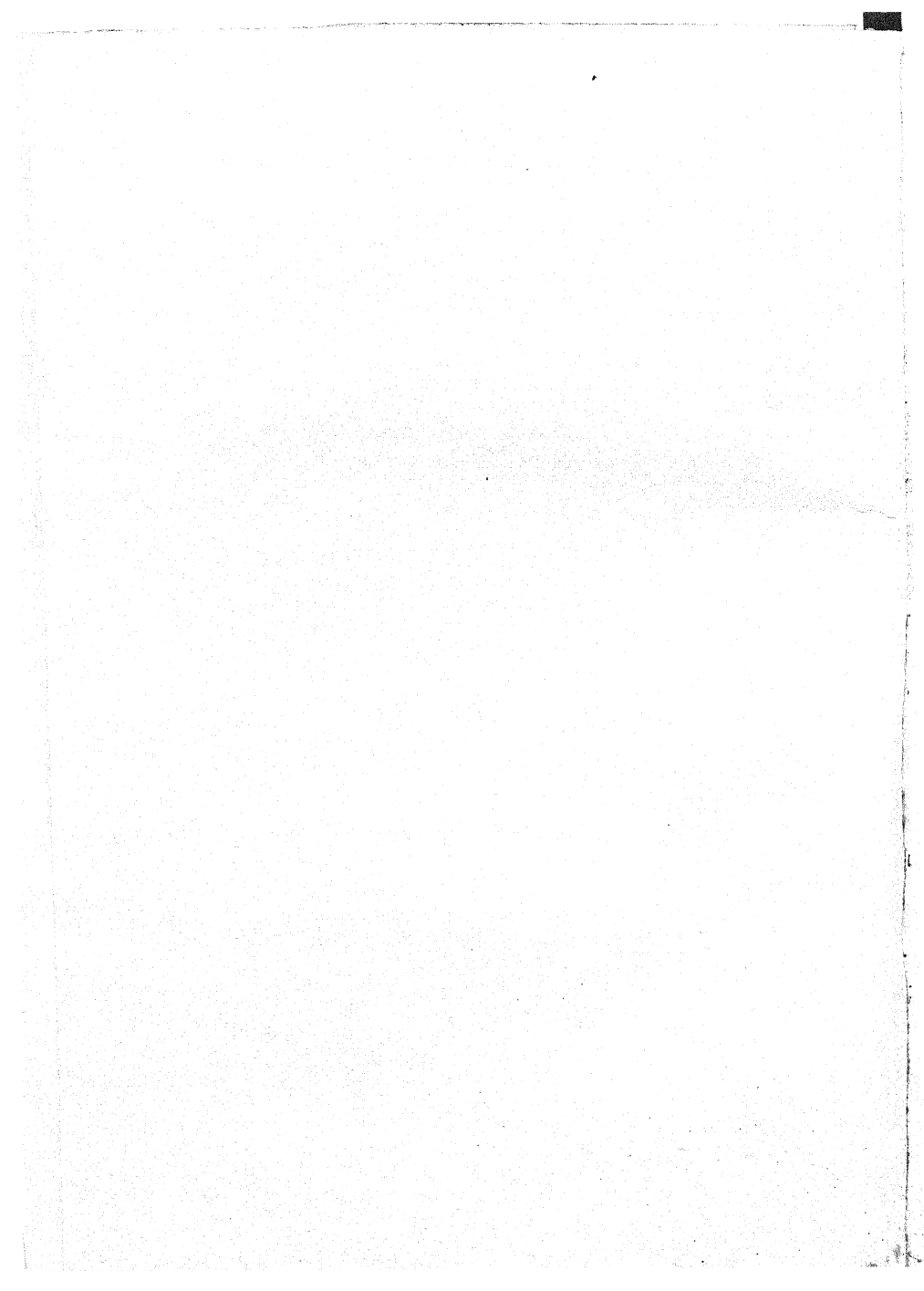
starve quietly without making a fuss. Only people with political power have a right to make a fuss: this is one of the great lessons of history, and, lest history should not sufficiently impress the Indians, we are teaching it by the lathi and the gaol. Our ruling classes have lost their former skill, and I fear the ultimate result of their folly in India must be disaster. For in India, also, if the new regime is ushered in by bloodshed the result will not be so good as if it came peacefully. Statesmanship is dead in the post-war world, and India, like other countries, suffers in consequence.

What the British Government ought to do is perfectly clear to everyone not blinded by Imperialist pride. A beginning, though not an adequate one, was made during the time of Lord Irwin, and all might have been well if the same policy had been continued and accentuated. Even now, a dramatic reversal of the present strategy might make it possible to reach a solution based on mutual goodwill. All political prisoners should be released at once without conditions, and the Round Table Conference should be resumed on the basis that what is sought is Dominion Status. This is the right policy from the standpoint of British interests as well as from every other. There seems, at present, little hope of its adoption. But if the British electorate could be brought to understand the Indian question, I doubt not that they would insist upon its being treated with good feeling and good sense. To that end, this Report is a contribution.

BERTRAND RUSSELL.

*Chairman.*

*The India League,  
165, Strand,  
London, W.C.2.*



## CHAPTER I.

### THE DUAL POLICY.

"I admit that the Ordinances that we have approved are very drastic and severe. They cover almost every activity of Indian life."

"I hope I have said enough to convince the House of Commons that we are proceeding with our programme as we said that we should proceed with it, and that we do not intend to be deflected from that programme by threats, by fears, by sudden alarms. In the meantime, we do feel it the primary duty of this or any other Government to maintain law and order and to prevent India drifting into anarchy and chaos."

(SIR SAMUEL HOARE in the House of Commons, March 24, 1932)

**A** TWO-FOLD objective is claimed for present British policy in India : the maintenance of law and order and the endeavour towards constitutional advance.

The former has resulted in the promulgation of admittedly drastic Ordinances which, for the most part, have replaced the ordinary processes of law in dealing with political agitation.

In recent years, a number of British Commissions and Committees, and three Round Table Conferences, have attempted to deal with the Indian constitutional problem. The successive declarations of British Governments and statesmen, as to their intentions in regard to Indian self-government and as to the steps to be taken in pursuance of them, have not succeeded in allaying discontent in India or in inspiring widespread confidence. As a result, admittedly large and politically vital sections frequently withheld their co-operation in the constitutional discussions.

#### The Simon Commission and the Round Table.

The Simon Commission was boycotted by practically the whole of politically-minded India. Following on the Report of the Commission in 1929, H.M. Government of the day

authorised a fresh declaration of the goal of British policy in India and announced a Round Table Conference.\*

Political India, Congress, Liberals, and Moderates received the declaration favourably, but not enthusiastically. Some of the bitterness and antagonism created by the appointment of the Simon Commission and the methods pursued by that body was dissipated. Spokesmen of Congress, Liberals and others, sought interviews with the Viceroy in India to ascertain the full intent of the Government and the powers and functions of the Conference. Congress and its allied organisations were not satisfied that the declaration and the scope of the Conference, as proposed, constituted a sufficient response to the demand of India for *Swaraj*.

### **Congress Non-co-operation.**

Congress reaffirmed its policy of independence (1929) and authorised its Executive to devise a programme. The British Government decided to proceed with the Round Table Conference despite Congress non-co-operation.

Mr. Gandhi, on behalf of the Congress, notified the Government of India that, if the Government declined to meet India's demands, he would launch a movement of disobedience of laws by non-violent means. The Government reaffirmed its offer of a "free" Conference in London and offered the Congress substantial representation.

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\* "I am authorised on behalf of His Majesty's Government to state clearly, that in their judgment, it is implicit in the declaration of 1917 that the natural issue of India's constitutional progress, as there contemplated, is the attainment of Dominion Status." (Lord Irwin's declaration at New Delhi, October 29, 1929.)

The declaration of 1917 was made by Mr. E. S. Montagu, Secretary of State for India in the Coalition Government. It referred to the goal of British policy in India being "the progressive realisation of responsible government," which latter was interpreted as Dominion Status. Subsequent speeches of British statesmen, and the Instrument of Instructions issued by the Crown to the Viceroy of India, confirmed this interpretation. The spokesman of the Government of India, under the Viceroyalty of Lord Reading, however, made a fine distinction between "responsible government" and "Dominion Status." Indians regarded this as a going back on pledges and it accentuated distrust and discontent. Lord Irwin's declaration was intended to remove the doubts. The Simon Commission's report, however, did not take the line of the Irwin declaration, nor does the goal of British policy as contemplated in the present White Paper (1933) follow the lines of the declaration of 1929.

No agreement was, however, reached and the Civil Disobedience Movement of 1930-1931 was launched.

### **Liberals and Peace Negotiations.**

The first Round Table Conference met in the shadow of Civil Resistance and repression in India. The strength of Congress and its title to speak for a vast majority of the Indian people was stated and endorsed by speaker after speaker at the Round Table Conference. The Government's policy, however, gained for it, adherents from the Liberal Party and from moderate nationalists, in addition to those who had co-operated with the Simon Commission.

The Conference itself adjourned after exploring the avenues of constitutional advance and centering the discussions on an All-India Federation and responsible Government with safeguards.

### **The Irwin-Gandhi Agreement.**

On the return of the delegates to India peace talks were initiated, and as a result Mr. Gandhi sought an interview with Lord Irwin, the Viceroy. After protracted and difficult negotiations an agreement was reached between the Viceroy,\* representing the Government of India, and Mr. Gandhi, representing the Congress. The Congress suspended Direct Action while the Government withdrew repressive measures and released political prisoners.

The Irwin-Gandhi agreement of 1931 concluded a sorry chapter of bitterness and suffering in India. It opened the way to peace. On the constitutional issue, the parties agreed to Federation, Responsibility, and Safeguards as the essentials. In subsequent correspondence the safeguards were defined as safeguards "in the interests of India." The agreement also provided for restitution of property, and inquiry into certain grievances. The actual working of the Truce, as it was called, was beset with difficulties, and both at the time and later on there has been much mutual recrimination by the Congress and the Government about the breaking of the Delhi agreement.

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\* The "Simla pact" between Lord Willingdon, the present Viceroy, and Mr. Gandhi in the autumn of 1931 confirmed the Delhi agreement. (Cf. Indian Year Book, p. 866.)



## **The Second Round Table Conference.**

At the Second Round Table Conference, six months later, Mr. Gandhi attended as representative of the Congress. The discussions did not end in a settlement of the vital issues, and the Conference appointed Committees to inquire into more problems of detail. No agreement, between the Hindus and Moslems present at the Conference, having been reached, the question of representation of the Minorities in the new Constitution was left to the Prime Minister's decision.

During this period changes had taken place in the personnel of both the Indian and the British Governments. Lord Irwin's place had been taken by Lord Willingdon, and in Great Britain the spokesmen of an Emergency Government, and later, of the National Government took the place of the Labour statesmen of 1930.

The three-fold basis of the constitutional provisions of the Delhi agreement obtained scanty recognition at the Conference, and there was little advance in the way either of agreement or of discussion on them. A Consultative Committee was appointed and it was hoped that it would function as the machinery of co-operation between the Indian and the British side, which latter was to be represented by the Viceroy. Before leaving this country, Mr. Gandhi spoke very frankly about the situation at two private meetings of The India League. He said that despite the failure of the Round Table Conference to produce agreements he would still explore every avenue of settlement. His difficulty, however, was that the authorities in India had already revived rule by Ordinance in two Provinces. Constitutional discussions in a background of repression were hardly possible. He had also complaints about the Government's working of the Delhi agreement on the administrative side. Nevertheless, he was averse to a revival of Direct Action; he desired to meet the Viceroy and his own colleagues on his return to India.

## **Gandhi Returns to India and is Imprisoned.**

On his arrival in India Mr. Gandhi found that the Truce had, in fact, broken down. Some of his colleagues and lieutenants had already been arrested under the Ordinances and imprisoned. Mr. Gandhi himself failed to obtain an interview with the Viceroy, as he had hoped. Events now moved very quickly and within six days of his arrival he was

arrested and interned as a State prisoner under Regulation XXV. of 1827.

The arrest of the Congress leader precipitated the crisis which had by now become unavoidable. By the fourth of January several more Ordinances were promulgated. Congress retaliated by direct action against the Ordinances.

### **The Government's Case.**

The Government claimed that it was faced with a threat of passive resistance and its first duty was to maintain law and order. Congress argued that the struggle was forced on it and that it was on the defensive. The Legislatures in India were not consulted nor were there any private *pourparlers*. The Government's justification is that it was faced with a crisis and a course of conduct which tended to disrupt society and to endanger the State. It had to act quickly and firmly.

During the months that followed, the spokesmen and supporters of Government in this country and in India still spoke of the *Dual Policy*, and referred to the Ordinances as emergency measures. We, in this country, were told that the Government's policy was a success and that more and more Indian opinion was supporting the Government. The Congress, which the Government charged with being the aggressor, was stated to have been held in check.

### **News from India.**

At the same time stories of atrocities and oppression reached this country through private channels. The Press appeared either to be badly served or to be suppressing news about India. Allegations made in Parliament were denied by the Secretary of State. The Forrester Paton case\* opened the eyes of some who had hitherto believed

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\* Dr. Forrester Paton, a Scottish missionary, was severely beaten with *lathis*, wounded on the ribs, legs and arms and then drenched with coloured water. When he tried to move away the police turned a hose on him a second time. Dr. Forrester Paton is a member of a well-known Scottish Liberal family and had powerful friends in the House of Commons. The case was taken up by the late Sir Duncan Millar, and Sir Samuel Hoare expressed regret. The Home Member of the Madras Government, in answer to questions in the Madras Legislature, however, declined to accept the position taken up by the Secretary of State. Dr. Paton was arrested on a false charge of picketing, which was withdrawn. Actually Dr. Paton was in Madras to make inquiries about Red Cross work, and he had no connections with the civil disobedience movement.

that the British administration was incapable of the things with which it was charged. In spite of the claim of the Government to have crushed the Congress and brought about an improvement in the situation, six months passed and the "emergency" appeared still to exist.\*

### **The Situation (August, 1932).**

The Secretary of State, while candidly admitting the drastic and widespread nature of the Indian Ordinances, contended that his policy had a dual aspect, and that the maintenance of law and order (by repression or Ordinances) was part of it and was necessary for the success of the whole. He also affirmed that the constitutional aspect was being steadily pursued and that the Government had in no sense gone back on its announced plans.†

The changes in Conference procedure, announced by Sir Samuel Hoare,‡ alienated even the Indian Moderates.

The Government, however, continued to claim success for both aspects of its policy. India, we were told, would settle down to work the reforms and the Government was, therefore, sticking to its plan.

We were sent to India by The India League to study at first hand this complex situation and to see for ourselves the dual policy at work.

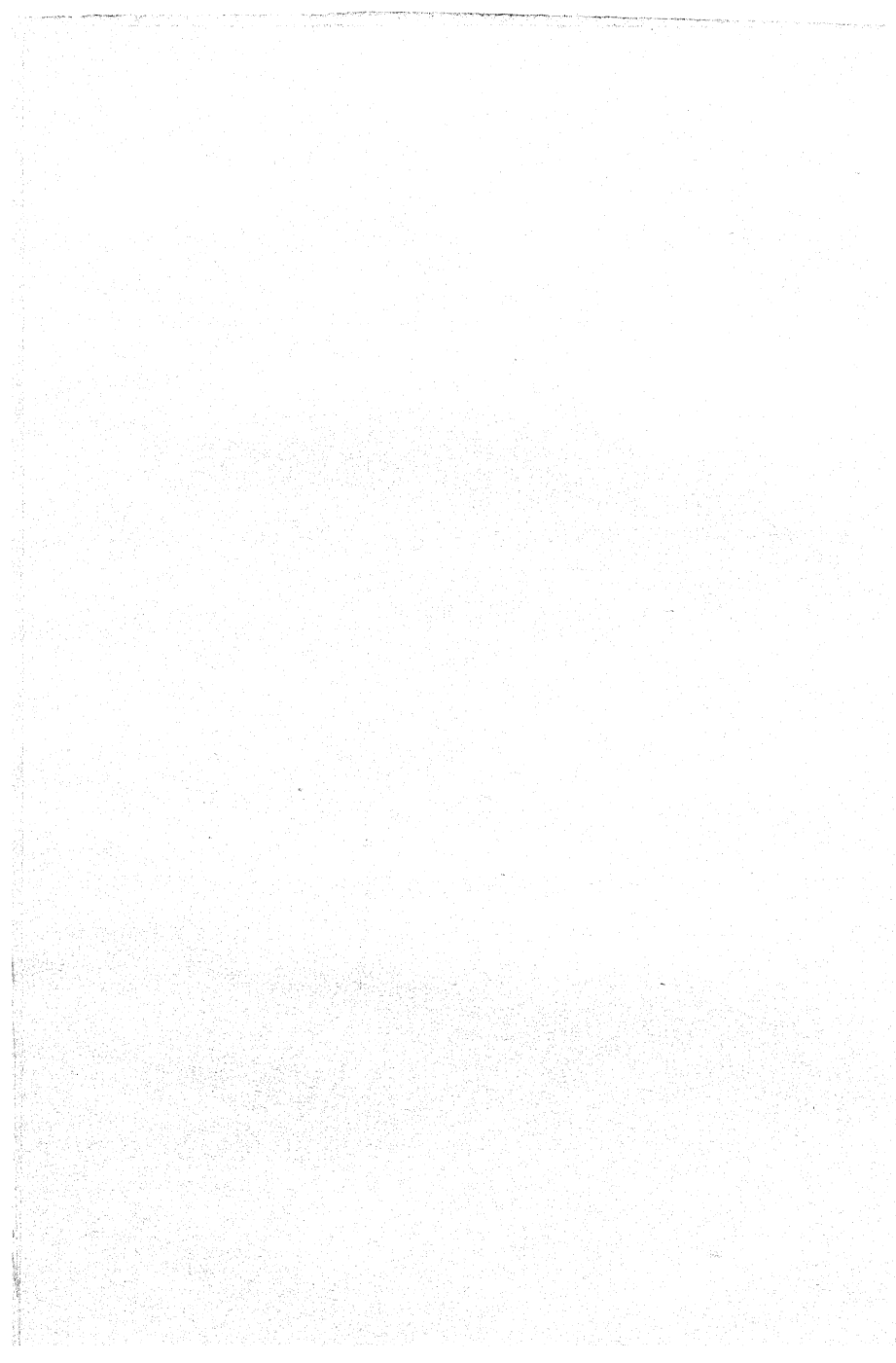
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\* Cf. Sir Samuel Hoare's statement in the House of Commons on June 27, 1932. (*Hansard*, columns 1492 and 1493.)

† Cf. Sir Samuel Hoare's speech in the House of Commons, July 13, 1932. Also speech on June 27, 1932. (*Hansard*, columns 1500 and 1501.)

‡ Sir Tej Sapru and his friends resigned from the Consultative Committee in India. Sir Samuel Hoare maintained that other Indians approved of his policy, while he regretted Sir Tej's resignation. (*Hansard*, July 13, 1932, column 1387.)





## CHAPTER II.

### THE INDIA LEAGUE DELEGATION.

"The Delegation is being sent for the purpose of collecting first-hand information about the state of affairs in India and the trend of opinion there, and to make a report, on its return to this country. It is hoped that this report will serve as a basis for more intensive education of public and parliamentary opinion in this country."

(From the letter of the Executive Committee of the India League to the delegates which is printed as an Appendix to this Report.)

#### EXTENT OF THE TOUR.\*

WE sailed from Venice on the 5th of August and reached Bombay on the 17th. We were in India for 83 days and we left Bombay on the 7th of November. During our tour we met Indians of every class and shade of opinion. We went to every province of British India† except the Central Provinces, and we visited almost all the important towns and cities. But the greater part of our time was spent in the villages.

From Bombay we went via Poona to Madras. We spent a fortnight in the Southern Presidency, dividing our time between Madras City (the Provincial Capital) and the four

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\* The four members of the delegation did not always travel together, nor did every one of them visit all the places covered by the report. In order to cover a larger area and to obtain individual contacts the party often split up. The report, however, is a collective one.

† "India" or "The Indian Empire," as it is technically called, includes Burma, British Baluchistan, the port of Aden and other areas. It does not include Nepal and Bhutan, which are "independent."

The total area of "The Indian Empire" is 1,773,168 square miles. Of this the area of the Indian States ruled by Indian Princes and chiefs, of which there are hundreds, covers about 675,267 square miles. The remainder, 1,097,901 square miles, is called "British India." It is directly under British Administration. It includes the British Indian Provinces, major and minor, the agency tracts, special areas administered by Chief Commissioners under the Government of India, such as Delhi, and also some islands in the Indian Ocean.

linguistic areas, Tamil, Telugu, Malayalam and Canarese, which constitute the British Province of Madras. From the South we travelled through Orissa to Bengal and Assam. Bihar and the United Provinces were next visited on our way to the Punjab and the North-West Frontier Province. On our return journey from the Indian border we stopped at Delhi. The Sind and Gujerat formed the last stage of our journey except for the last week of our stay in India, which we spent in Bombay again. Our itinerary took us as far south as Calicut and Madura, to the Indo-Afghan Border in the North-West, to the Sylhet Valley in Assam in the East, and to Karachi in Sind in the West.\*

We were unable to include Burma and the Indian States in our programme. The Central Provinces had similarly to be left out owing to want of time, though we travelled through the Provinces and met men belonging to it. We often travelled through Indian State territory, and we saw a little of the Indian State of Baroda while in Gujerat.

## **PLAN OF WORK.**

### **The Towns.**

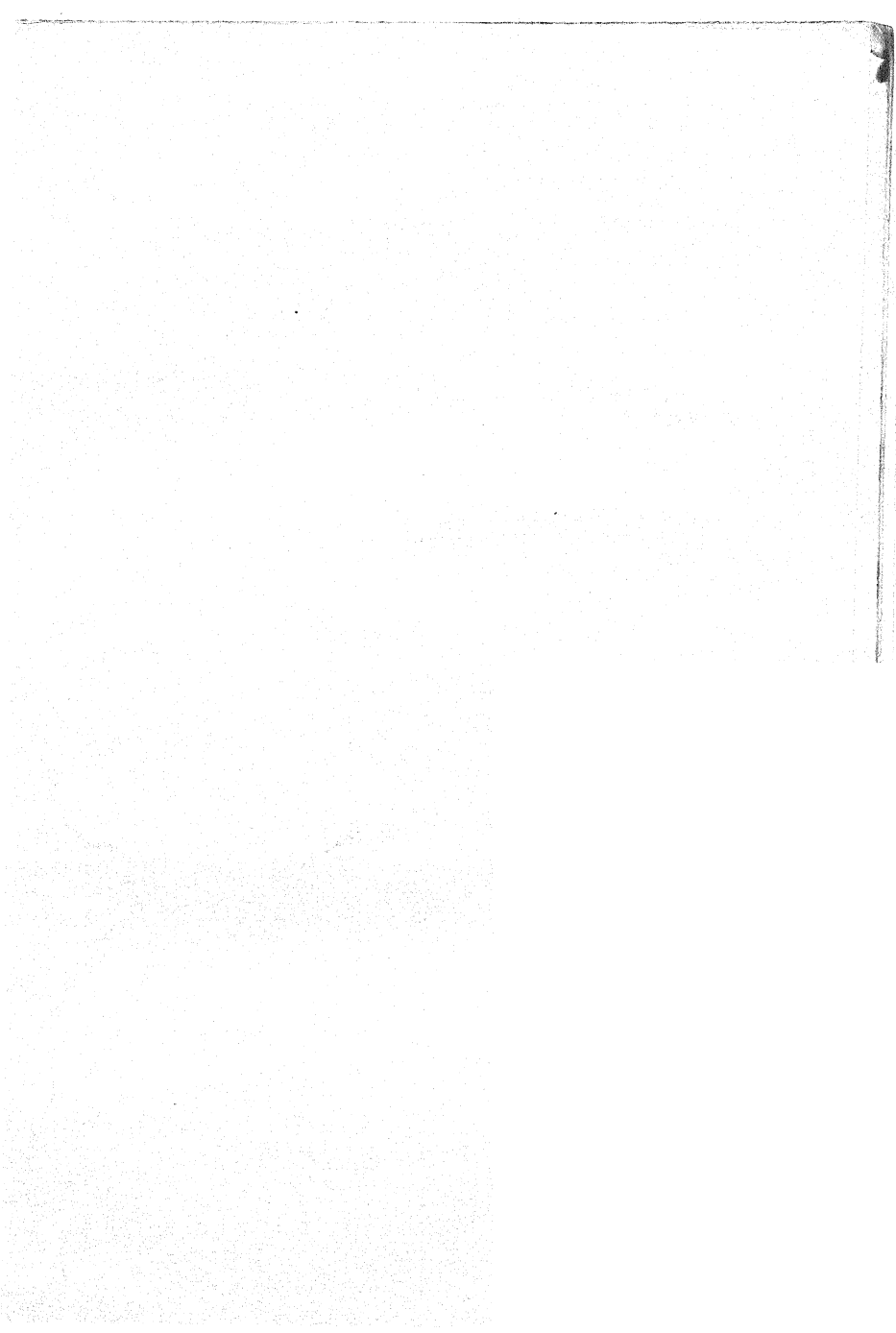
In the towns we interviewed leaders and met groups of representative opinion. We also talked to many who were not engaged definitely in political or public activities. In nearly every place where we went, we called on the officials, British and Indian. In the provincial capitals we met members of the Government and the Indian Ministers, in addition to other officials. (In the villages we met the village officials of the British Government.)

On the Indian side we met leaders of Congress and of political organisations either independent or opposed to Congress. We also obtained interviews with sectional and communal leaders and representatives of various interests, such as employers and Trade Unions. Women's

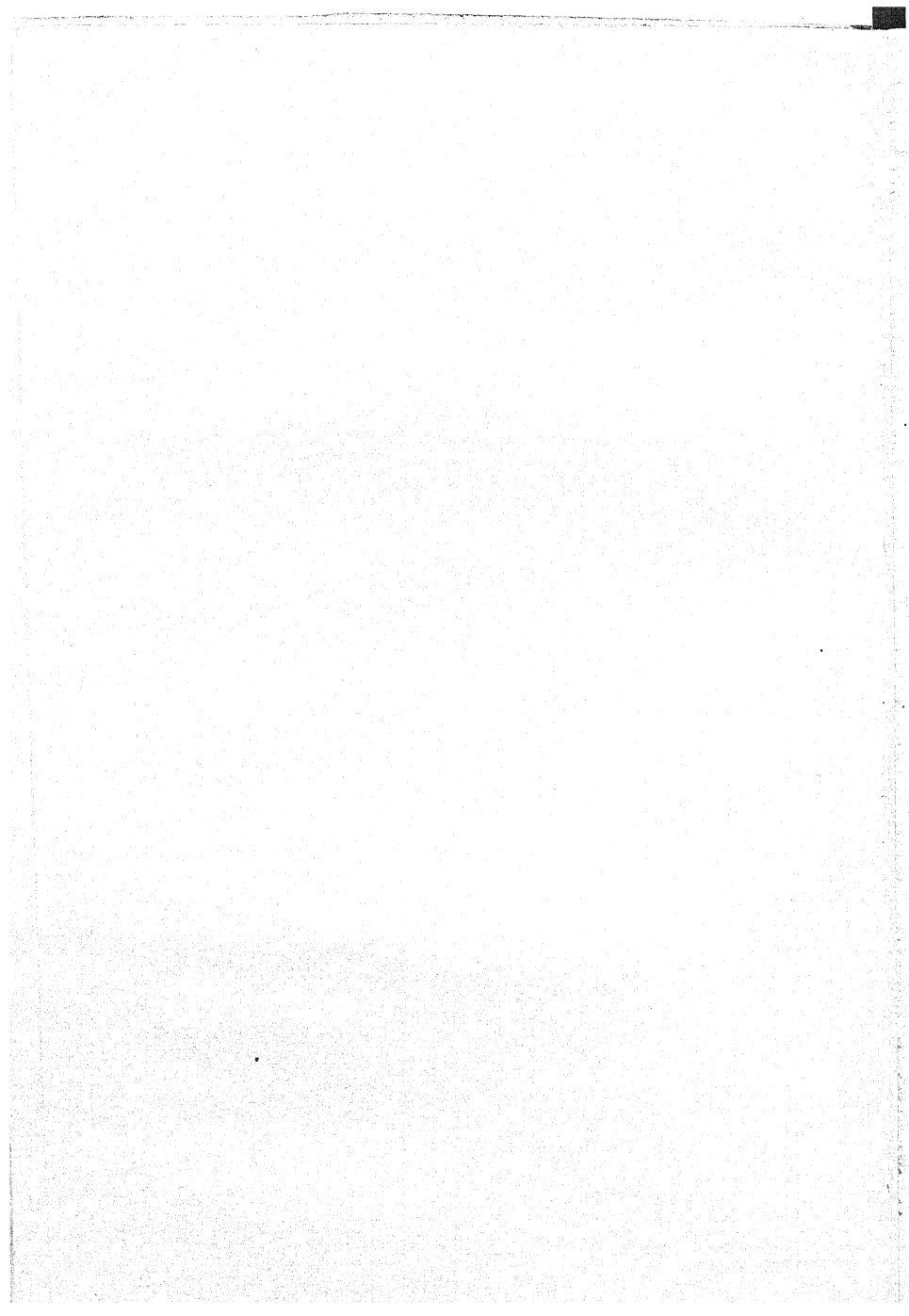
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\* This is the general itinerary of the tour. Certain members had to make journeys across country for special reasons, such as during the Gandhi fast or to visit jails, for which permission was secured after the party had left the town in question, thus necessitating a special journey.

The average mileage per member covered by the delegation is approximately 12,000 (within India).







Organisations were willing to assist us everywhere, and we met their very able representatives in most of the towns we visited.

### The Villages.

In the villages our plan had to be different. We saw the village officials, the headman and policemen, as well as the village elders and the villagers. We asked questions and took down statements of grievances or sufferings under the Ordinances, and of political, social and economic conditions concerning India as a whole and the villages in particular. We saw in many cases the way in which the Ordinances and the power of the Police and other officials operated. We went into the humble dwellings of the peasantry. We talked to the women, either in their *Zenanas*, as on the North-West Frontier Province, or along with their menfolk, as in Gujarat, Southern India, and Bengal.

We saw the armed police in many of the villages—even the remote ones. In the villages we were not, however, faced by the multiplicity of organisations that we found in the towns. The various political or other Leagues that flourished in an urban atmosphere were absent in the homogeneity of the Indian village. The one political organisation of which we heard everywhere was the Congress. In the North-West Frontier Province it was the *Redshirts*. Occasionally one heard of the *Khilafat* in the Punjab and the North-West Frontier Province villages. One also heard of *Kisan Sabhas*\* in the United Provinces, but the active movement which had captured the imagination of the people was the Congress, which was either called the Congress or by some Indian equivalent such as the Maha Sabha in the Gujarat villages.† The chapter on

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\* Peasant associations. These used to have very large memberships and were of the nature of a mass agrarian movement. The *Kisans* sought the leadership of the Congress. Jawaharlal Nehru is a favourite among the peasantry. Their conferences were attended by thousands of delegates. It was these conferences that decided on the Rent Strike. These bodies are now suppressed.

† Maha Sabha in the Gujarat village means Congress and has no reference to the Hindu Maha Sabha which is a communal organisation.

the Indian village will, we hope, explain the nature of our inquiries there.

### **Further Sources of Information.**

Both in the towns and the villages we had the benefit of the views of a large number of individuals whom we did not meet as representatives of organisations or of schools of thought. They included lawyers, doctors, retired men, women not taking part in public life, municipal councillors, legislators, ex-administrators, peasants, school teachers, labour leaders and committee men, social workers and others. We obtained detailed answers from these various sources on almost every aspect of the Indian problem. On the administration of the Ordinances and the sufferings undergone, on police tyranny and official excesses, on economic distress and allied matters, we took statements from (or notes of conversations with) the actual victims in each case. In the case of the officials we tried to make the meetings as informal as possible in order to understand their point of view. Often the interviews lasted well over an hour each. We informed the officials of what we had seen and heard, and waited to hear the official explanation or version. We discussed with them both the general political constitutional issues and the local grievances and problems.

### **Not a "Conducted Tour."**

We did not go on a conducted tour as has been suggested in certain quarters. We did not hear only one side. We did not, however, minimise the importance of the side on which are most of the people, and which constitutes the Government's problem. It was part of our work to observe the operation and results of the Ordinances. We could not have obtained any realistic idea of the India of to-day by following the procedure adopted by the usual official and semi-official investigators.

We met Congress workers, leaders and members, everywhere. We received considerable assistance from them. Without such assistance rendered to us by self-sacrificing men and women everywhere in India, often at the risk of arrest and ill-treatment, when we had left the place, we could not have seen the India that challenges the present regime; we would not have obtained first-hand information about the working of the Ordinances; we could not have

understood the attitude and the spirit of the resisters of the present order. These men and women, we soon discovered, were nearest to the masses, they had the confidence of the people, they had the knowledge and they were willing to help. We were not, however, prevented by any Congressman from independently obtaining or seeking any information from whomever we liked. We were not headed off from any particular set of people or places. We were not told not to ask any particular questions.

On the other hand, we found that such obstructions as were placed in our way came from the side of the officials. Most of those whom we met were kind and pleasant to us at interviews, though personal discourtesy was not altogether foreign to our experience of officials in India. But we have ample evidence to show that the Government agents prevented people from reaching us and penalised those who had tried to approach us.\*

### **Our Hosts.**

The plan of our tour was not made for us beforehand. The greater part was planned by ourselves after we reached India. Our hosts were not all Congressmen; in fact the majority of them were moderate politicians. Among those who gave us their friendship and hospitality we would mention the Servants of India (the organisation of which the Rt. Hon. Mr. Sastri is the leader); Mr. T. V. Venkatarama Sastri, a leading Liberal of Madras and an ex-Member of the Madras Government; Dr. and Mrs. Subbarayan, one an ex-Minister and the other a Government nominee at two Round Table Conferences; the Imams of Patna, leading Mussalmans who are not Congressmen (one of them, the late Sir Ali, an ex-Member of a Viceroy's Cabinet); Rao Saheb Mehr Chand Khanna, a Frontier Hindu and a supporter of the Government in the Frontier Council; Lala Harikishen Lal, an ex-Minister in the Punjab; and, at Allahabad, the well-known Moderate leader, Sir Tej Bahadur Sapru.

Among well-known Congressmen our hosts included the Naoroji-Captains of Bombay, Mr. Nageswera Rao, the

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\* People who were coming to see us were arrested on the way. Our guides were trailed by the police, or arrested. In Gujerat our taxi was commandeered by the police. In the North-West Frontier Provinces whole villages were blockaded.

Telegu scholar and editor of the *Andhra Patrika*, Mr. C. Rajagopalachari, Mr. Gandhi's right-hand man, Mr. J. C. Gupta, the brilliant Bengal lawyer, and Mrs. Metha, of Ahmedabad.

We stayed also in a number of other Indian homes with hosts who do not take active part in public life. In the villages we were made comfortable by peasant hosts in the more humble environment of Indian rural life.

In the interests of our friends we refrain from publishing their names here. Apart from the personal debt we owe for the extreme courtesy and warmth of friendship with which we were received in these Indian homes, we should add that our knowledge of India was greatly enriched and thrown into a correct perspective by first-hand contact with Indian life. It made us less of tourists, and we were able to arrive at a sense of values difficult for the ordinary visitor who lives in hotels and is received with formality by anglicised Indians.

### **The "Mystery" about our Visit.**

Owing to the close contacts that we made with Indians and our deliberate plan of seeing as much as possible of the new awakening of India, men in high places here and in India, including the Viceroy and Secretary of State, have discredited in advance the value of our investigations. Conservative Members in the House of Commons endeavoured to make out that we were hirelings of the Congress.

It has been also made to appear as though a great deal of sinister mystery surrounded our visit and the arrangements connected with it. The funds for our tour were subscribed in India and here. The Government of India, which no doubt obtained, through its channels of information, copies of all our cables and letters to and from India, knows the exact nature of the assistance, financial and otherwise, that we have received in India. We have also reason to know that the Delhi Government gave full consideration to the question whether the substantial donation we received from friends in India was Congress money or not. They allowed the money to be remitted and took no action. The Government usually confiscates Congress funds or funds given by non-Congress men to promote Congress activities.

Secondly, when we arrived in Bombay we did not find Congress opinion all on our side. The Ordinances and repression of 1930-1931 and the six months of 1932 had embittered and made a considerable section of Congressmen very cynical of British sympathies. The references to us in the Bombay Provincial Congress Bulletin (to which our attention was drawn by Sir Patrick Kelly, the Police Commissioner of Bombay) were far from complimentary.

The appeal to assist us made by the leadership of the Congress to Congressmen and the country generally was a public one. They saw for themselves that we were honest seekers of facts and neither curious tourists nor another "Commission." Mr. Rajagopalachari issued on September 2nd, 1932, a statement to the press in which he asked the public to assist us. It appeared in all the newspapers.\* No paper was prosecuted for it, as would have been the case if it had been serious Congress propaganda.

### **Sir Samuel Hoare's Accusations.**

Sir Samuel Hoare stated in the House of Commons† that Congress had issued instructions to stage demonstrations for us. He read out an extract‡ which he said came out of a Congress document,§ and argued from it that "scenes were stage-managed for this delegation and that from start to finish they saw this carefully arranged side of the picture."|| Sir Samuel Hoare declined to give an official character to the document from which he quoted even when pressed to do so by the Leader of the Opposition.

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\* *The Hindu*, September 3, 1932.

† *Hansard*, columns 1259 and 1260 (December 22, 1932).

‡ *Hansard*, column 1260 (December 22, 1932).

§ "Here is an extract from a document from one of the Provincial Congress Headquarters. I quote the exact words: 'The Delegation that is coming from England is one which may carry impressions of an important nature. We are bound therefore to try our best to place before them all that we wish to reach people outside India. It would be effective if Congress activities like processions, picketing and dispersal by lathi charges happen to be seen by them or even if such things occur during their stay. Such things leave a better impression if seen than heard of.'" (Sir Samuel Hoare in the House of Commons.)

|| *Hansard*, column 1260 (December 22, 1932).

In the extract itself there is nothing more than the natural desire of the Congress that its activities should be seen at first-hand. Processions and picketing, as may be learned from Indian newspapers, are part of the normal activity of Congress in India despite the severity of the repression and the penalties involved ; they are not special shows. Indeed, the worst of the spectacles that we saw were "clashes," as they are officially called, which the Congress side did not appear to be expecting. It should also be stated in fairness that the stage-managing was more obviously done by the official side, as at Agra, the North-West Frontier Province, Calicut, etc.\*

The Secretary of State also informed the House of Commons that "the impression that they (the Delegation left upon every one of my correspondents in India, from the Viceroy downwards, is that from start to finish they were biased in the views which they took."

We did not expect that the Indian police and officials would make any other report on a group of non-official investigators.

### **A Law Court Decision.**

Sir Samuel Hoare's references to instructions, issued by Congress, to stage-manage scenes also apparently rests on the same kind of information, and it is therefore relevant here to cite an incident reported in the Indian Press which bears on this topic.

Mr. Deonandan Singh, of the village of Chhail in Allahabad District, was arrested on the 28th September, 1932, on a charge of announcing to the villagers that it was the order of the Congress Committee that the villagers should meet the members of The India League Delegation. He was subsequently released, it is understood, as there was no evidence that the announcement alleged to have been made by him was really in pursuance of any programme of the District Congress Committee. The incident serves to throw light on the character of the information that is often the basis of views formed by officials.†

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\* Cf. Chapters on Police Raj and the North-West Frontier Province.

† Cf. *Leader* (Allahabad), September 29, 1932.

### **The Testimony of Facts.**

The facts we have set forth in this Report and the analysis we have made of the Indian situation must, in our judgment, be met with more satisfactory answers, than casting doubts on the validity or the *bona fides* of our investigations. Even if we had gone out to India expressly on Congress invitation, and our expenses had been paid by that body, we do not consider that our enquiry or our conclusions should, for that reason, be invalid, or discounted beforehand.

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## CHAPTER III.

### FROM TRUCE TO CONFLICT.

"No Government, consistent with the discharge of their responsibility, can be subject to conditions, sought to be imposed under the menace of an unlawful action by any political organisation, nor can the Government of India accept the position, implied in your telegram, that their policy should be dependent on the judgment of yourself as to the necessity of measures which Government have taken after most careful consideration of the facts and after all possible remedies had been exhausted."

(Extract from telegram from the Private Secretary to the Viceroy to Mr. Gandhi on January 2, 1932.)

"I cannot help expressing deep regret for the decision of His Excellency and his Government. Surely it is wrong to describe an honest expression of opinion as a threat. . . . Nor is it fair or correct to suggest that I have ever advanced the claim that the policy of the Government should be dependent on my judgment. But I do submit that any popular and constitutional government would always welcome and sympathetically consider the suggestions made by public bodies and their representatives and assist them with all available information about their Acts or Ordinances of which public opinion may disapprove."

(Extract from Mr. Gandhi's reply, January 2, 1932.)

#### (i) THE PRE-ORDINANCE PERIOD.

IF the situation that precipitated itself in the beginning of 1932 is to be seen in its proper perspective, it is essential to understand the events in India and the relations between the Government, the Congress, and other nationalist bodies during the period of the Irwin-Gandhi agreement (commonly called the "Truce," March, 1931).

#### THE TRUCE PERIOD—1931.

The Delhi agreement contained several provisions relating to restitution of property\* and to problems arising out of

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\* During the Civil Disobedience movement movable and immovable property was attached, confiscated, sold and destroyed. There were also problems arising from the inability of the peasantry to pay their taxes owing to losses from non-cultivation of lands and unsettled conditions; and the mere fact of accumulation of arrears made matters worse.

the demand and collection of land revenue. It provided for negotiation with local officials and governments on these matters. Mr. Gandhi and other leaders personally interested themselves in these negotiations in the collection of arrears of taxes and in generally carrying out the provisions of the Truce. Before the Second Round Table Conference a number of difficulties had arisen and allegations appear to have been made by either side that the Truce was not being worked.

Applications for inquiry into, and redress of, grievances were made by Congress leaders to Governments. At one stage, applications for inquiry into grievances having been refused, there followed a correspondence between Mr. Gandhi and Mr. Emerson (Home Secretary to the Government of India), in which the Congress asserted its right of defensive Direct Action\*—notwithstanding the suspension of civil disobedience—to obtain relief of certain grievances. This was not regarded by the Government as a threat to renew civil disobedience or as a breach of the Delhi agreement. Co-operation continued and Mr. Gandhi, after several hitches and postponements, came to the Round Table Conference as the representative of the Congress.

### **Ordinances Again.**

*Bengal.*—On the 20th November, 1931, while the Round Table Conference was sitting in London and the Truce was still in operation, the Viceroy promulgated the Bengal Ordinance (Ordinance No. 9 of 1931), a drastic measure, the effect of which was to widen the scope of the existing Criminal Law so as to include capital offences and to enable the arrest and detention of suspected persons and members of suspected organisations.

*United Provinces.*—In the United Provinces bad crops and falling prices of agricultural commodities led to an acute agrarian situation.

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\* This right was conceded in the Irwin-Gandhi agreement and was admitted in what are known as the Simla Talks (see page 18). The point is important because, even if it is granted that there was direct action in the United Provinces arising out of agrarian distress (such as refusal to pay rents or taxes), it was within the terms of the Truce. Each incident arising from such a conflict should have been treated as an administrative, revenue or judicial problem and brought before the Courts. The Government, however, treated it nationally and politically and promulgated Ordinances (No. 12 of 1931).

The remissions in revenue made by the Government were inadequate and the peasants in conference called on the Congress to start a no-tax campaign. On the 15th of November, 1931, the Allahabad\* District Congress Committee, on advice from the United Provinces Congress Committee, issued instructions to the peasants not to pay rent and revenue. In the view of the U.P. Congress Committee, its advice and the action of the Allahabad District Committee were not breaches of the Delhi Truce; the Congress had not broken off negotiations with the Government; such Direct Action as was contemplated or started was within the terms of the Simla agreement of September, 1931.†

The Collector‡ of Allahabad was making a personal investigation into the problem, but at the same time the collection of land revenue had been ordered and had been begun already. The United Provinces Government wrote

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\* Allahabad is the principal town in the United Provinces. The Congress organisation treats Allahabad as a district; the District Congress Committee is a constituent body of the United Provinces Congress Committee (the provincial organisation). Though the High Court, the Provincial University, principal Government offices and the important newspapers of the provinces are all at Allahabad, the headquarters of the Government is now at Lucknow, where the principal landlords in the province reside.

† Letters were exchanged between the Government of India and Mr. Gandhi on this subject. In his letter to Mr. Emerson, dated the 27th August, Mr. Gandhi makes his claim in regard to the use of civil disobedience during the Delhi Truce; the Congress waived the right to an inquiry on certain matters arising from the Delhi Truce, but at the same time Mr. Gandhi said: "... If unfortunately any grievance is so acutely felt that it becomes the paramount duty of the Congress to seek some method of relief, in the absence of an inquiry, in the shape of defensive direct action, the Congress should be held free to adopt such remedy, notwithstanding the suspension of civil disobedience."

Reference may also be made to Mr. Gandhi's statement to the Council of the Welfare of India League (a mixed body of Europeans and Indians in Bombay): "In Simla, when our final letters were exchanged—letters published as part of the second settlement (the Simla Pact)—I said in my letters that if all steps fail we reserve to ourselves the right of civil disobedience. The Government's reply . . . is thus a breach of the Simla Pact. . . ."

‡ The heads of districts who are the principal executive officers, magistrates and revenue officials are called Collectors, Commissioners or Divisional Officers. In Allahabad the official is, so far as we remember, called "Commissioner."

on the 4th December to Mr. Sherwani (President of the United Provinces Congress Committee) that in view of the refusal of the United Provinces Congress Committee to suspend its resolution of the 15th November, and its refusal to instruct the Allahabad District Congress Committee to cancel the notices issued to peasants to withhold payments, the Government had withdrawn definitely the offer of discussion regarding revision of rents and taxes.\*

Negotiations having broken down, peasant meetings were held all over the Province and a no-rent campaign was about to be launched.

On the 14th December the United Provinces Emergency Powers Ordinance (No. 12 of 1931) was issued. It gave power to restrict people's movements, to take possession of buildings and to control transport, and made it penal for the Press to instigate non-payment of rent. Severe penalties were prescribed and action could be taken on suspicion. The Ordinance was immediately applied to five districts of the Province.

*The North-West Frontier Province.*—On the 24th December the Viceroy promulgated three more Ordinances (Nos. 13, 14 and 15 of 1931) to cover the North-West Frontier Province. They embodied most of the provisions of the Ordinances 11 and 12 of Bengal and the United Provinces and included others against associations dangerous to public peace. They gave power to any agent of the Government to take possession of buildings "notified"† as being used by unlawful associations and to evict persons found therein.

### **Arrest of Leaders.**

On the 25th of December, 1931, Abdul Ghaffar Khan, the Redshirt and Congress leader of the North-West Frontier Province, was arrested, with his brother Dr. Khan Sahib and two others, under Regulation III. of 1818. All

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\* In the United Provinces taxes and rents bear a relation to each other, so that if taxes are reduced the landlords have to reduce the rent, and vice versa. We did not verify whether this was the case in other parts of India where there was agrarian discontent.

† To "notify" a building or liability is a process provided by the Ordinances. It is an arbitrary act of the executive. Once "notified" the penalties under the Ordinances may be invoked.

Congress Committees\* in the Province were declared unlawful associations.

On the 26th of December Mr. Jawaharlal Nehru and Mr. T. A. Sherwani were arrested 11 miles from Allahabad, when on their way to receive Mr. Gandhi on his arrival in Bombay from London, on the ground that they had disobeyed the order which forbade them to leave the municipal limits of Allahabad.

On the same day demonstrations by Redshirt volunteers in the North-West Frontier Province led to arrests and culminated in the Kohat firing, in which many were wounded and several killed.†

## (ii) GANDHI AND THE VICEROY.

*Request for Interview.*—Mr. Gandhi returned to Bombay on the 28th of December, and on the 29th telegraphed to the Viceroy. The telegram expressed surprise at the arrests of Congress leaders, the firing at Kohat and the Ordinances. It inquired whether these events were an indication that friendly relations were at an end and asked for an interview at which Mr. Gandhi proposed to ask for the Viceroy's "guidance."

*The Viceroy's Refusal.*—The reply on the 31st of December from the private secretary on behalf of the Viceroy stated that :—

(1) The Bengal Ordinances were justified as preventative measures against assassination.

(2) The Government desired co-operation with all parties but co-operation must be mutual; Congress conduct in the United Provinces and the North-West Frontier Province was irreconcilable with the spirit of co-operation and the good of India.

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\* In the North-West Frontier Province the Redshirt organisation is recognised as the constituent body of the Indian National Congress. It was so recognised at Karachi, where the leader of the Redshirts declared his allegiance and that of his movement both to the goal of the Congress, namely, Independence, and also to the method of non-violence at the Congress session which ratified the Irwin-Gandhi agreement, 1931. There are Congressmen (Moslems) in the North-West Frontier Province who still call themselves members of the "old Congress" and have not joined the Redshirts. (See chapter on the North-West Frontier Province.)

† There is no evidence of the assembly having been riotous or violent. No inquiry was instituted afterwards.

(3) In the United Provinces the Government had been compelled to take measures to prevent a general state of disorder which would inevitably lead to communal and class hatred, arising out of the authorisation of a no-rent campaign by the United Provinces Congress Committee.

(4) In the North-West Frontier Province Abdul Ghaffar Khan fomented racial hatred and engaged himself in anti-Government activities. "He and his friends persistently refused all overtures of the Chief Commissioner to secure their co-operation and in rejecting the declaration of the Prime Minister have declared in favour of complete independence." His speeches were incitements to revolution and his followers attempted to stir up trouble in the tribal areas. The Government refrained from taking action until Abdul Ghaffar Khan and his associates created a situation of grave menace to the peace of the Province and the tribal areas. Abdul Ghaffar Khan and his organisation had been recognised by the Congress and it was impossible for the Viceroy to deal with persons or organisations who were responsible for such activities.

(5) The Viceroy was unwilling to believe that Mr. Gandhi personally bore any responsibility for the recent activities of Congress since he was away on the Round Table Conference work in London. If this were correct the Viceroy would be willing to see Mr. Gandhi to tell him how best he could use his influence to maintain co-operation and the Round Table spirit. But the Viceroy was not prepared to discuss with Mr. Gandhi the measures which the Government, with the full approval of H.M. Government, had adopted in Bengal, the United Provinces, and the North-West Frontier Province. These measures would be kept in force until they had served their purpose.

*Mr. Gandhi's Reply (Summary), January 1, 1932.*

(1) Mr. Gandhi regretted the Viceroy's rejection of his friendly advance, wherein he sought to understand the Government's view and obtain "guidance."

(2) The Government was asking him to repudiate his colleagues in advance and, even so, he would be barred from discussing matters vital to the nation.

(3) Constitutional issues became insignificant in the face of these Ordinances and acts which, if not met with stubborn resistance, would demoralise the nation.

(4) No self-respecting Indian could run the risk of killing the national spirit for the doubtful contingency of securing a constitution, to work which no nation with stamina might be left.

(5) Even if the facts in the Frontier Province were as indicated in the Viceroy's telegram, the arrests, shootings and attacks on liberty and property were unjustified.

(6) Abdul Ghaffar Khan in declaring for Independence had done no more than Mr. Gandhi himself had done in London, on the invitation of the Government, as a delegate. The refusal to attend the Chief Commissioner's Durbar was not an offence which warranted summary punishment. If Abdul Ghaffar Khan was really fomenting racial hatred (which Mr. Gandhi did not believe), he was entitled to an open trial.

(7) So far as the United Provinces were concerned, the Viceroy, Mr. Gandhi felt, must be misinformed. There was no "no-rent campaign" authorised by Congress. While negotiations with the Government were still in progress demands for dues were actually made by the Government. Congress was obliged to advise tenants to suspend payments pending negotiations. Mr. Sherwani, the President of the Congress, offered to withdraw this advice if the Government suspended collections pending negotiations.

(8) The problem in the United Provinces did not deserve the summary dismissal accorded to it in the Viceregal telegram\*; it involved the welfare of the economically oppressed peasantry. In Mr. Gandhi's view the Government should have welcomed Congress co-operation in the effort to raise the condition of the masses. The right to withhold taxes is an inalienable right of a people who have no other means of seeking freedom from an economic burden.

(9) Mr. Gandhi repudiated the suggestion that the Congress desired to promote disorder.

(10) The methods and deeds of terrorists in Bengal were condemned by the Congress; but at the same time the Congress could not support Government terrorism as under the Ordinances, and must resist it by non-violent methods.

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The policy of the Congress has become increasingly dominated by the interests of the Indian peasant in latter years. (See chapter on The Congress; Gandhi's own view and the Karachi resolutions, which have been described as Socialistic, are dealt with there.)

(11) The Government demanded co-operation without offering any, itself, and its plea for mutual co-operation was therefore invalid. The refusal to discuss the whole situation was peremptory and prevented Mr. Gandhi from getting to understand the Government point of view before he could offer advice to the Congress.

(12) Though not informed, in detail, of the actions of his colleagues in the United Provinces and the North-West Frontier Province, he admitted moral liability for them.

(13) If the Viceroy would reconsider his position and allow Mr. Gandhi to see him as a friend without any conditions, he would approach the whole problem with an open mind and study the situation in every Province with the aid of the authorities. If Congress was wrong, he offered to admit it and to give advice to that body accordingly.

(14) Civil Disobedience was the inalienable right of a people, especially when they have no effective voice in their government. It is also an effective substitute for violence and armed rebellion.

(15) The Congress resolution "tentatively sketching a plan for Civil Disobedience" is based on this belief. Also, in view of recent Government policy and in the light of uncontradicted reports, it appeared to Mr. Gandhi and Congress that he might not have another opportunity of advising Congress.\*

(16) The text of the Congress resolution was appended.†

*The Viceroy's Reply (Summary), January 2, 1932.*—In his reply the private secretary to the Viceroy expressed the Government's regret at the resolution of the Congress Committee and regarded it as a threat against the Government. The Government could not accept the view that its policy should be dependent on Mr. Gandhi's judgment; nor did the Viceroy believe that Mr. Gandhi or the Working Committee of the Congress

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\* It appears that rumours about the intentions of the Government to arrest Mr. Gandhi and to launch an offensive against the Congress were widely prevalent during these days prior to the 4th January.

† The resolution here referred to is the one passed by the Congress Working Committee (the Cabinet) on January 1, 1932. The Viceroy regarded it as an ultimatum, while Mr. Gandhi and the Congress insist that it was a declaration of Congress policy.



contemplated that His Excellency could invite Mr. Gandhi, with any hope of advantage, to an interview under such a threat. Congress would be held responsible for the consequences of the policy it had announced, and the Government would take all necessary measures.

*Mr. Gandhi's Further Telegram.*—Mr. Gandhi then sent a further telegram regretting the decision of the Viceroy and pointing out that the Delhi Pact was negotiated and concluded when Civil Disobedience was in progress, and that the position had been re-asserted and accepted by Lord Willingdon and his Government in Simla in September. He had not advanced any claim that the Government's policy should be dependent on his judgment, but submitted that any "popular and constitutional government" would always welcome and sympathetically consider representations of the kind that had been made on behalf of the people. The struggle would be carried on by the Congress without malice or violence.

### **The Arrest of Mr. Gandhi.\***

At dawn (3.15 a.m.) on the 4th January, Mr. Gandhi was arrested, under a warrant issued under Regulation 25 of 1827, by the Police Commissioner of Bombay. He was taken to Yerawda Jail, Poona, by a police sergeant and has been detained there ever since without trial or inquiry of any kind.†

An understanding of these events which led up to the renewal of Civil Disobedience and the promulgation of the Ordinances is essential to an appreciation of the entire situation created thereafter. In every Province we found public opinion almost universally condemned the Viceroy's refusal to see Mr. Gandhi, the precipitation of a crisis and the speedy promulgation of drastic Ordinances which covered the whole country.

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\* We heard it stated in Bombay that the order which was served by the Police Commissioner on Mr. Gandhi bore no date and that the order was already in the hands of the police while telegrams were being exchanged between the Viceroy and the Mahatma. The "uncontradicted reports" to which Mr. Gandhi refers in his telegram to the Viceroy on January 1, 1932, concern the rumours in Bombay, at the time, of the decision, already reached, to arrest him.

† Since the above was written Mr. Gandhi was released, re-arrested, imprisoned and again released.

## CHAPTER IV.

### THE RESPONSIBILITY FOR THE CONFLICT.

"They (the Congress) have pronounced the declaration of the Prime Minister to be wholly unsatisfactory and inadequate in terms of the Congress demands and they have demanded that if their co-operation be accepted, free scope be given to them to prosecute their claim to complete independence. There was clearly no alternative but to reject these demands and to take all measures that were necessary to meet the campaign of Civil Disobedience."

(Extract from the Government's manifesto to the people of India, dated 4th January, 1932.)

"... the committee (the Congress Working Committee) is prepared to render co-operation to the Government provided the Viceroy reconsiders his Thursday's telegram to Mahatma Gandhi, adequate relief is granted in respect of Ordinances and its recent acts, free scope is left to Congress in any future negotiations and consultations to prosecute the Congress claim for complete independence and the administration of the country is carried on with popular representatives pending the attainment of such independence."

(From the resolution of the Congress Working Committee, dated the 1st January, 1932.)

#### (i.) THE GOVERNMENT AND THE CONGRESS.

**T**HE present conflict (from January, 1932) has arisen immediately out of the breakdown of the Delhi agreement of 1931. Each party to the agreement claims that the other is guilty of breaches; each also declares that the truce period was used by the other for preparation for a coming struggle. Finally, each party blames the other for precipitating the crisis in January, 1932.

It is often a futile task to attempt to allocate the responsibility for a conflict. The fact that the struggle is continuing in India and it is not a war and a conflict between two States makes the adjudication of responsibility even more difficult.

#### The Crux of the Conflict.

Our purpose in analysing the facts relevant to this issue is not to place the blame on any one party or to make a case for one or the other, but to indicate how, ultimately,

they are bound up with the finding of a way out of the present *impasse*. Our knowledge of facts tells us that, despite the claims of the Government, the forces opposed to it are strong and insistent and fully convinced of their moral rights and strength, and equally determined not to surrender, however crippled they may have become under severe repression.

The primary obstacles in the path of peace in India are the fundamental assumptions relating to the rights of the Government and the people and the responsibility for the present struggle. It was borne in on us during our tour of India and by the views of even the more moderate men, that those in authority were blocking the way to peace and negotiations of any kind. The gospel of the knock-out blow continues to be the dominant note of Indian policy.\*

Mr. Gandhi's own counsel to the Congress Working Committee on arrival in Bombay was one of great moderation and restraint. The Committee accepted his advice about advancing by negotiation. It permitted him to seek an interview with the Viceroy, despite the fact that over a hundred million people in three Provinces were affected by the Ordinances and important Congress leaders had been arrested.

### **Mr. Gandhi's Attitude.**

Mr. Gandhi, however, refused to declare himself for non-co-operation or other belligerent action. He contradicted the "interview" published by the Fascist paper, *Giornale de Italia*, and assured the India Office by cable from Port Said that he would do everything in his power to find a way to peace.

In answer to a question by Sir Stanley Reed (Editor of *The Times of India*), at the Welfare of India League meeting, Mr. Gandhi undertook to study the situation in the various provinces with an open mind and assured them that it was for this purpose that he sought an interview. Mr. Gandhi's own approach to the situation was accepted as *bona fide* by the Europeans, the Indian industrialists and Liberals of Bombay, who, as a result of his statement, made eleventh-hour efforts to obtain a reversal of the Viceroy's decision.

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\* Cf. chapter on Officials for views of the Service and the Viceroy. Also Speech of Sir Samuel Hoare in the House of Commons on the 27th June, 1930. (*Hansard*, columns 1493-1495.)

We were also told by Dr. Syed Mahmud, a Member of the Congress Cabinet, now out of prison, that

"The world does not know anything about the resolution that Mahatma Gandhi drafted and proposed before the Working Committee. The Mahatma was bent on co-operation. The resolution is proof of that. The Viceroy's telegram, which was received about 4 p.m. on the 31st, proved to the Working Committee that the Government did not want co-operation. From my own inside knowledge I can say that the Congress was not prepared for the conflict; we had hopes that the Mahatma would bring peace somehow on his return from London. Lord Irwin, as you know, had, to a measure, revived Indian hopes in the intentions of the British Government."\*

Mr. Gandhi's final appeal to the Viceroy is also an indication that he was anxious not to precipitate the struggle. We learnt in India that while the Mahatma's faith in his methods was, and remains, strong, he was loath to plunge the country into a fight, since he realised the suffering especially of the weak and the poor that it involved.

### **The Official View.**

Apart from the contention that the Congress was using the truce to strengthen itself, the Viceroy's view was: (1) that the Congress resolution was an ultimatum of an illegal and unconstitutional character; (2) that the Ordinances and the methods employed by his administration were the business of the Government, and neither Mr. Gandhi nor the Congress had any right or business to discuss or question them; (3) that delaying action would only lead to strengthening Congress; (4) that Congress was claiming to be a parallel government and that the Government ought therefore to assert itself.

We believe the above to be a fair statement of the facts on either side.

### **(ii.) AN INEVITABLE BREAKDOWN.**

In endeavouring to appreciate the circumstances that led to the breakdown of the Delhi Pact it is necessary to take into account certain other facts.

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\* This is a report almost in his own words of what Dr. Mahmud told us at Allahabad. He also told us that he and his colleagues had definite information that the Government's plans for repression were ready in November while Gandhi was still in London and that the Government's sudden blow at first staggered the Congress (from our notes of a conversation).

(1) The officials in India rebelled against the approach and the settlement made by Lord Irwin. They regarded it as a surrender of Government prestige and the recognition of the Congress as a rival authority.

(2) They regarded the settlement as an administrative blunder and their own position under it as humiliating. They therefore desired the truce conditions to come to an end.\*†

(3) The Delhi Agreement had to be operated by the Civil Service in India; it was inevitable that friction and a breakdown should result. Either quasi-judicial or other special machinery responsible to legislatures or public opinion alone could have worked the truce from day to day.‡

(4) Civil Disobedience was and is regarded by the Government as a crime, while Congress looks on it as a right.

(5) The Congress resolution appeared to the Government as an ultimatum, which, if connived at, would amount to a recognition of the rights of Civil Disobedience.

(6) After the 31st December (1931) Congress was anticipating outlawry at any moment, and it had to formulate a policy to meet contingencies while still free to do so.

The essential difficulties in the Indian situation are presented in relief by these facts. They centre round what the people, as represented by Congress, regard as the right and the necessity of Civil Disobedience and what the Government considers as the limits of protest and agitation.

### **The Way to Peace Barred.**

The view taken by the Government of India and main-

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\* This view was put to us in so many words by a very high official in the North-West Frontier Province in his very frank conversation.

† Sirdar Vallabhai Patel has stated that he has in his possession letters and circulars to substantiate this contention.

‡ This view was stated to us at length by a leading lieutenant of the Mahatma, who considered that it was essential to the success of any future truce arrangements that it should provide suitable machinery for working it.

tained by it ever since, is that the adoption of Civil Disobedience puts all friendship and negotiation out of court. *Pourparlers* with Congress directly or through intermediaries and indirectly, cannot be considered until the Congress first of all called off Civil Disobedience, which, in the Government's view, is not a method of agitation, but an offence against ordered government and a challenge to the existence of the State. The State, therefore, must treat those wedded to that doctrine as outlaws and have no parleys with them.

It is obvious, therefore, that, in the Government's view, the first step towards any *rapprochement* is a surrender by the Congress, of which there is little prospect. Sir Tej Bahadur Sapru, a political opponent of Congress, recently stated that in making this demand the Government was asking the impossible. It is also going back on its own previous policy and attitudes; the Irwin-Gandhi truce being initiated and concluded while Civil Disobedience was still in progress.

In any case it is only the Congress that can call off Civil Disobedience, a step which it would take, were it disposed to do so, only after it meets as a free assembly, with its leaders out of jail.

### **A Regrettable Decision.**

We found throughout India that the Viceroy's refusal to allow Mr. Gandhi to see him was regarded as a mistake. Many believe that an interview would have had good results; others think that it would have put the Government in the right, while still others think that an interview would have clarified political issues and shown that the policy of the Government had changed. For the Viceroy's action in January last, we could find no support in India; it is also clear from the press correspondence and statements issued by party leaders at that time that Lord Willingdon's action brought about the conflict. It is equally clear that the policy at present being pursued has neither arrived at, nor is it capable of resulting in, a termination of the present conflict.

### **(iii.) THE GOVERNMENT AND THE PEOPLE.**

#### **A Manifesto.**

On the 4th of January, 1932, the Government issued a

manifesto to the public justifying and defending its policy and appealing for the co-operation of "all who have at heart the peace and happiness of the people of India, and who, rejecting the methods of revolution, desire to follow to its certain goal, the path of constitutional advance." The statement summarised the Government's view of the events leading up to the Irwin-Gandhi settlement and alleged that the Congress had used it to prepare for a further conflict with the Government and to add to the prestige of the Congress. The Government's position, as stated in the Viceroy's second cable to Mr. Gandhi, was reiterated. The announcement by the Working Committee that the Prime Minister's declaration was unsatisfactory and inadequate in terms of the Congress demand, and that it sought scope to prosecute the claim for independence, left no alternative to the Government of India but to reject these demands and to take measures to meet the campaign of Civil Disobedience. Civil Disobedience as conceived and practised by Congress was opposed to all constitutional principles, and was intended to paralyse the Government and to inflict the maximum harm on it. If it succeeded it would make government impossible, and it would make constitutional advance impossible. The Government of India contended that in adopting stern measures it was doing its duty "to hand over to the new order a working administration and to this end to resist with all their might forces which would create a state of anarchy and chaos." The peaceful progress of India depended on the maintenance of the authority of Government and of respect for law whatever that Government may be, and the present Government of India would fail lamentably in their obligations to their successors if, during a period of transition, they allowed this fundamental principle to go by default or were content to permit the usurpation of their functions by any political organisation. An issue of hardly less importance is whether a political organisation is to be allowed by lawless means to impose its will on the public, large sections of which deny its authority and oppose its pretensions. The Government would fail in their duty, were they to countenance the claims of Congress to control and domination, or permit them in effect to assume the position of a parallel Government.

The Government's appeal concluded with a further

indication to the public of the issues before the country. Congress had twice been offered an opportunity of assisting the country towards political advancement and it had twice rejected that offer and chosen the path of destruction. While doing everything to suppress this lawless movement, the Government would spare no effort to bring to completion the policy of His Majesty's Government.

This manifesto was issued under the signature of Mr. Emerson, Secretary to the Home Department of the Government of India, and is dated the 4th January, 1932.

As far as we could ascertain from interviews, the Government view was that it considered that it should strike its blow first, and also that it should give an indication to the country of its strength, its prestige and its conception of its duties. Government officials whom we saw spoke of the breaches of the peace and either of it having been proved how incapable of observing honourable obligations the Congress was, or of Mr. Gandhi being helpless against a situation which his followers had created.

### **A Pre-determined Policy ?**

Though from the *communique* released by the Government it would seem that the cause of the precipitate action taken by the Government was the resolution passed by the Working Committee following the events in the United Provinces and the North-West Frontier Province, the impression that the Government had decided on a policy of repression even before the Second Round Table Conference concluded cannot be regarded as unjustified in the light of certain obvious facts.

(1) The Bengal Ordinances, enacted when the London discussions were actually in progress, exceeded in their severity any repressive legislation hitherto known, even in India. Though ostensibly aimed against terrorists, it was being used to suppress the Congress. There was no recrudescence of terrorism at that particular moment to warrant the measure. If terrorist crime, or prospects of such, rendered drastic measures necessary there was no reason why they should not be enacted as legislative measures. Indeed the revelations of the official Hijli



Inquiry\* were such that the Government was taking unwarranted responsibility in entrusting executive officers with wide powers. The worst terrorist crimes (which we found all India regretted), such as the murder of Mr. Stevens, a British official, were committed after the Ordinances.

(2) In the United Provinces there was an acute agrarian situation. Ordinances have failed to solve it.

(3) The Viceroy in his speech at Calcutta on the 30th December forecast a policy of repression when he said that "there will be no hesitation on the part of Government in giving local governments all reasonable powers to deal with the situation in India."

(3) The Ordinances could not have been promulgated without consultation over a period with local administrations concerned in their execution. Apparently, therefore, the policy underlying them must have been decided on long before Mr. Gandhi's return to India.

(4) Any of the situations of which the Government speaks in its *communiqué* could be dealt with under the existing law.

(5) Orders for many thousands of police lathis had been placed by at least one local government while the Round Table Conference discussions were going on and while the truce was in being.

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\* At the Hijili Detention Camp, sentries opened fire on untried prisoners on the 15th September, 1930. An official committee consisting of Justice S. C. Mallick, I.C.S., and Mr. J. G. Drummond was appointed by the Bengal Government, as a result of public agitation, to inquire into the incident. The Committee found that there was a regular fusillade from the Sepoys (the armed guard), that there was "no justification whatsoever for the indiscriminate firing," and that the detainees were assaulted by the Sepoys with lathis and bayonets, also without justification.

In the face of the facts of the conduct of the prison officials and the executive which this official report brought to light, it is rather extraordinary that the Bengal Government should decide to arm the officials and prison authorities with greater powers.

Mr. Gandhi, while in London, challenged the British Press publicly to publish the facts. The challenge was not accepted.

(For the official report see "Hijili and Chittagong," by J. M. Senh Gupta, obtainable at The India League.)

(6) Confidential Circular : P.O.L. 536 of 1st July, 1932, issued by the Commissioner of the Southern Division of the Bombay Presidency to all District Officers in the area, leaked out, and a copy of which we saw, contains the most elaborate instructions to officials to prepare for a revival of Civil Disobedience—and for the rounding up of men whom the Government suspected. It is conclusive evidence of the preparations that the Government was making.

### Public Opinion.

Large numbers of organisations and individuals, the majority of whom have consistently supported the Government, made representations to the Viceroy to revise his decision. In Bombay a section of progressive European opinion urged the Viceroy to receive Mr. Gandhi unconditionally, irrespective of what had transpired or was thought necessary in the future. The appended list\* will show that the protests came from a variety of groups of opinion.

Committee of the Millowners' Association.

Council of the Welfare of India League.

Indian Merchants Chamber.

Parsi Rajkaeya Sabha.

National Liberal Federation of India.

Board of the Bullion Exchange Ltd.

Calcutta Indian Chamber of Commerce.

Mr. Benthall, European Delegate to the R.T.C.

Mr. Millar, of the Bombay European Association.

Mr. Jayakar.

Sir Tej Bahadur Sapru.

The Government's decision, however, remained unchanged. India was soon plunged into a widespread conflict between the forces of the Government and those of the Congress. The succeeding chapters will show more clearly the extent and nature of the strength of the two parties.

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\* These are important organisations and individuals which endeavoured to intervene during the critical days of the first week of January, 1932. This list does not include the hundreds of organisations all over India which protested against the Government's decision, nor does it claim to be exhaustive.

We have also selected four important individuals. That they made representations to the Viceroy was reported in the Indian press at the time and not contradicted. We have not seen the text of their protests nor verified them by reference to the individuals concerned.

## CHAPTER V.

### THE ORDINANCES.\*

" . . . I deemed it essential, in full agreement with my Government to take certain wide powers by means of a series of Ordinances. These Ordinances expired after six months, and as the period of their expiry approached it became evident that we were in no position to discard the weapons with which Civil Disobedience was being fought. Accordingly at the end of June I issued a new consolidated Ordinance. The consolidated Ordinance will expire at the end of the year. We have decided that the general law should be strengthened by the inclusion of a considerable number of the provisions of the Ordinance."

Lord Willingdon's Address to the Indian Legislative Assembly.  
(Assembly Debates, Vol. 4, No. 1.)

#### (I.) INTRODUCTORY.

THE following is a list of the various Ordinances that were in operation in India as a whole or in some part of India during 1932† :—

Ordinance No. 1 of 1932 (2nd January, 1932) : Bengal Emergency Powers (Supplementary) Ordinance, 1932.

Ordinance No. 2 of 1932 (4th January, 1932) : Emergency Powers Ordinance, 1932.

Ordinance No. 3 of 1932 (4th January, 1932) : Unlawful Instigation Ordinance, 1932.

Ordinance No. 5 of 1932 (4th January, 1932) : Prevention of Molestation and Boycotting Ordinance, 1932.

Ordinance No. 7 of 1932 (6th February, 1932) : Amending Ordinance, 1932 (Amending Emergency Powers Ordinance and Boycotting Ordinance, 1932).

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\* Though Ordinances no longer operate (after two six-month periods covering 1932), their essential provisions have been embodied in Bills which the Government introduced before the appropriate Legislatures and passed into Acts. The new legislation provides for extraordinary powers for three years. Thus the emergency has not been brought to an end by the application of the Ordinances.

† Other Ordinances, such as those relating to gold export and entry of people into Kashmir were also promulgated by the Government during the year.

*Ordinance No. 8 of 1932 (29th March, 1932): Supplementing Ordinance, 1932 (An Ordinance to Supplement the Bengal Emergency Powers Ordinance, 1931, and the Emergency Powers Ordinance, 1932).*

*Ordinance No. 9 of 1932 (28th May, 1932): Bengal Emergency Powers Ordinance, 1932.*

*Ordinance No. 10 of 1932 (30th June, 1932): Special Powers Ordinance of 1932.*

*Ordinance No. 11 of 1932 (30th June, 1932): Bengal Emergency Powers (Amendment) Ordinance, 1932.*

*Ordinance No. 12 of 1932 (20th July, 1932): Bengal Emergency Powers (Second Amendment) Ordinance, 1932.*

On the morning of the 4th of January, 1932, a few hours after the arrest of Mr. Gandhi, the Government of India released for publication four Ordinances. They were of all-India application and could be extended, by "notification," to any province or area; they made the powers taken under the Bengal, North-West Frontier Province and the United Provinces Ordinances (November and December, 1931), available for all-India application, conferred on Governments and officials further powers, and created new grounds on which the penalties of the law (as under the Ordinances and the ordinary law\*) could be enforced. The action taken by the Government prior to the return of Mr. Gandhi, and the resolution of the Working Committee of the Congress, had already placed a hundred million people (over a third of the population of British India) under the regime of executive orders.

### **What are the Ordinances?**

Under Section 72 of the Government of India Act the Governor-General of India has power to "make and promulgate Ordinances" for the "peace and good government" of British India or any part thereof. The Ordinances are part of the "law" of the country in so far as the power has statutory sanction. Ordinances so made lapse at the end of six months from the date of promulgation. The Legislatures established by the Government of India Act are competent to pass legislation† which does not contravene

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\* Cf. Sec. 62, Ordinance II., 1932; the Schedule of Ordinance No. IX., 1931; Sec. 12 of Ordinance V. of 1932 and similar sections.

† Cf. Sections 65 and 80A, Government of India Act.

the provisions of the Act itself; they could have, if they were willing, given their assent to a Government measure embodying the provisions which are contained in the Ordinances.

Section 67 B of the Government of India Act confers on the Governor-General emergency powers enabling him to certify as being necessary for the "safety and tranquillity of or in the interests of British India" the whole or any part of a Bill rejected by the Assembly. It then acquires the force of law. The emergency power thus permitted to the Governor-General, however, is subject to scrutiny by H.M. Government; it has to be laid before both Houses of Parliament (Westminster) and to obtain his Majesty's assent.\*

The Indian Ordinances were not promulgated under Section 67 B. The Indian Legislature was neither summoned nor consulted. There was therefore no question of using emergency powers because the Legislature rejected the Government's proposals. When it met subsequently the Government did not lay before it a legislative measure embodying the provisions of the Ordinances, which could thus replace Ordinance by Law. The Legislature itself has no power, without the previous sanction of the Governor-General, to repeal an Ordinance made by him.

The measures promulgated by the Governor-General under Section 72 of the Government of India Act are in the nature of Decrees, and, in so far as the State recognises that power, are law. The Act, however, provides that Ordinances lapse at the end of six months and there is no provision for their renewal, a clear indication that it is not the intention of the Statute that the Viceroy's ordinance-making powers should usurp the function of the Legislature or of the law. Thus it would appear that the Governor-General acted contrary to the intention of the Statute (the Government of India Act) by (a) not calling the Legislature to enact the measures he required, and (b) continuing to exercise the powers taken under the Ordinances by a promulgation of the Consolidated Ordinance† in June, 1932.

\* Ordinances passed under Section 72 are subject "to like disallowance as an act of the Legislature," i.e., by His Majesty in Council. The disallowance provision in this case, unlike under Section 67 B mentioned above, is an overriding power. (Compare 67 B.2 with Sec. 69 (1) and (2), Government of India Act.)

† Ordinance No. X of 1932.

### **Contrast the (British) Emergency Powers Act.**

The Emergency Powers permitted to the Governor-General in India are not subject to the safeguards and restrictions which obtain under the Emergency Powers Act in Great Britain. The Government here would be bound to summon Parliament four days after promulgation of Orders in Council in pursuance of the Emergency Powers Act, and the duration of the powers even as sanctioned by Parliament is only one month.

### **The Legality of the Ordinances.\***

In the opinion of some Indian lawyers the legality of these Ordinances, or at any rate of some of them, was not beyond challenge; the Congress, however, would not fight test cases, since, as part of its ideology and programme, it non-co-operates with the machinery of British law except in cases of private rights. Even if the Ordinances themselves were well within the letter of the law, there is no doubt that they violated the spirit of British law and the intention of the Government of India Act, which does not contemplate that the powers should be used for a virtual suppression of the Constitution, ignoring the machinery (the Legislature) set up under it.

It was also pointed out to us that a great deal of police action (such as beating of pickets or arrests for wearing khaddar, etc.) was beyond the powers conferred even by the Ordinances.

## **(II.) THE CONTENT OF THE DECREES.**

### **The Emergency Powers Ordinance (No. 2 of 1932).**

This was promulgated for the whole of British India. Section (1), relating to its promulgation and application, and Section (63), relating to the Indian Press Act (with additional powers), were to be in force all over India; the remaining sections could, by notification by the local governments, be brought into force in their area.†

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\* This point is discussed in greater detail elsewhere in this report.

† The Ordinance was extended to Bombay and Bengal on the 4th January, to the United Provinces on the 8th January, and to the Punjab on the 12th January and to Delhi on the 6th February.

The following is a very brief summary\* of its provisions:—

### **Grounds of Arrest.**

*Arrest and Detention of Suspected Persons.*—Any officer of the Government, authorised on its behalf by general or special order, may arrest any person without warrant, and in so doing “use any means that may be necessary,” “if satisfied there are reasonable grounds for believing that any person has acted, is acting or is about to act in a manner prejudicial to public safety or peace.”

Any person so arrested may be detained for fifteen days and, if specially ordered by the local Government, for any period up to two months.

*Control of Suspects.*—The local Government may order that such a person

- (a) shall not enter, reside or remain in any area ;
- (b) shall remain, or reside, in any area ;
- (c) shall leave and not re-enter any area ;
- (d) shall abstain from acts, conduct himself in such manner or take such order with any property in his possession, or under his control, as may be specified in the order.

### **Power to Commandeer.**

*Taking Possession of Buildings.*—The local Government may require the occupier or other person in charge of land or buildings to place it at the Government's disposal at such time and with or without furniture, fixtures, etc., as is specified in the order, if, in the opinion of the local Government, any land or building can be used for public servants, troops, or in other ways, for giving effect to the Ordinances. The Government may further dispose of the land, building, furniture and effects in such manner as it considers expedient.

*Power to Control Supply.*†—Manufacturers, producers, vendors and those acting on their behalf could be ordered

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\* In this summary we have as far as possible used the language in the text of the Ordinances, which accounts for the obscurity of the phrasing in some places.

† It was our impression that this section had been grossly misused in the rural areas by the police, and its application far exceeded the intention of even these provisions.

to place the whole or any part of their stock "whether immediately available or not" at the disposal of the Government. The provision also enabled the fixing of prices, and supply of any information asked. Private individuals could similarly be required to place at the disposal of the Government their possessions, which might be disposed of or used by the local Government "in any manner considered expedient."

*Commandeering of Transport.*—District magistrates have power to require of any person owning or otherwise having in his possession or control any vehicle or means of transport to make a return in specified form and to take such orders, for any period stated, in a written order issued by him.

*Arms, Ammunition, etc.*—Purchase, sale or delivery of arms and explosive substances is prohibited, and any tools, machinery, implements or other material likely to be used in the commission of an offence.

*Compulsory Service.*—The District magistrate may order any landholder, village headman and other officer or servant of any local authority, or teachers in schools or in the educational institutions, to assist in the maintenance of law and order in such manner as the officer concerned "may specify." Any person in charge of utility services may similarly be required to take or abstain from action in respect of these; the Government may, in case of disobedience, assume control of such service.

### **Censorship, Search, etc.**

*Post, Telegraph and Trains.*—Letters, telegrams and telephone messages may all be intercepted; passengers on trains or vessels may be ejected or detained; trains may be stopped or prohibited from stopping at stations.

*Public Meetings Reports.*—The District magistrate may depute police officers, not below the rank of head constables, to report meetings. A public meeting is any meeting open to the public or to any class or portion of the public, even though it be held in a private place and admission is restricted.

*Search Warrant.*—Any authority on which any power is conferred in Chapter II. of the Ordinance may authorise any person to enter or search any place on suspicion.



*Penalties.*—In the event of disobedience of any of the orders given under the preceding heads, the authority that gave the order may take any action necessary to obtain obedience. Penalties range from six months' to two years' rigorous imprisonment and fines.

### **Penalties and Special Tribunals.**

*Collective Fines.*—Collective fines may be imposed on the inhabitants of an area on suspicion that such inhabitants are assisting in the commission of a crime, harbouring suspected persons, or engaged in acts prejudicial to maintenance of law and order or to public revenues. Such fines may be realised as arrears of land revenue.

*Parents Penalised.*—Parents may be required to pay the fine, or undergo imprisonment in lieu of it, when a young person under 16 years is convicted by any court of an offence under the Ordinances.

*Special Tribunals.*—Summary courts and courts of special judges and magistrates may be set up to try such offences as directed by order of the local Government or officers empowered. A special judge may pass any sentence authorised by law. He may make a mere memorandum of the evidence of each witness, and he may take cognizance of offences without the accused being committed to his court for trial. Special magistrates may similarly be empowered to try cases under the Ordinances and to award any sentence except death or transportation for a period exceeding seven years. Summary Courts may exercise all the powers of a first-class magistrate and are not required to frame any formal charge or more complete record than a memorandum of evidence.

*Trial in Absence, and Adjournment.*—If the accused by his voluntary act renders himself incapable of appearing before the court or behaves in a persistently disorderly manner, the court may proceed with the trial in his absence. The court is not bound to give an adjournment to enable a legal practitioner to appear.

### **Appeals and Executive Powers.**

*Exclusion of other Courts of Law.*—There is no appeal from these special courts to the ordinary courts of the land, it

being provided that, notwithstanding any provision of any law, appeals shall be only as provided in the Ordinance.

The application of the provision of the ordinary law to any matter arising from or consequent upon a trial by special courts is permissible only inasmuch as it is not inconsistent with the Ordinances.

*Arbitration Tribunals.*—All claims of loss or compensation shall be lodged within two months after the alleged damage, and the local Government may appoint an arbitration tribunal consisting of officials.

*Delegation of Powers.*—The local Government may invest a District Magistrate with power to control suspected persons,\* and may invest him or a lower magistrate or police superintendent with powers to take buildings, movable property, etc.

*Bar of Jurisdiction.*—No proceedings taken under the Ordinances may be called in question, and no civil or criminal proceeding shall be instituted against any person for anything done in good faith under these Ordinances.

*No Bail.*—All offences under the Ordinances, and under about a dozen sections of the Indian Penal Code, are made cognizable and non-bailable.

*The Press.*—The Press Emergency Powers Act of 1931 was brought into operation with more sections added to it under the Ordinances.†

The powers given to Local Governments, magistrates, police officials and other officials and the inroads on the liberty and security of the subject under these Ordinances will become clear by a careful reading of this summary and a reference to the few instances of how they have worked in practice which we have recorded in these pages.

## **The Bengal Ordinances.**

The Emergency Powers Ordinance, however, gives pride of place to the Bengal Ordinances IX. and XI. of 1931,

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\* Further sections provide for the delegation of the District Magistrates' powers to any officer. In practice we found that wide powers were exercised by local policemen. It will also be noted that powers are transferred to police officials direct, who thus not merely carry out orders, or administer policy, but interpret the Ordinances, and in a sense decide on policy. (See chapter, "Police Raj.")

† Refer to chapter on the Press.

which, in addition to the powers permitted under the former, allowed :—

- (a) *Delegation of powers to military officers.*
- (b) *Wider rule-making powers to the Bengal Government.*
- (c) *Sentences of death or transportation for life to be passed.*
- (d) *Trial in private, and in the absence of the accused, even in capital charges, and*
- (e) *Barred all outside jurisdiction except that permitted by the Bengal Ordinance.*

**Attempted Murder.**—If the attempt is after the promulgation of the Ordinances the accused shall be subject to the death penalty. This sentence may be carried out without any appeal to a higher court.\*

**Wide Scope.**—Offences under 36 sections of the Indian Penal Code, and under the Indian Arms Act, Explosives Act and Conspiracy Sections, are to be treated as under the Ordinances.†

### **The Unlawful Instigation Ordinance, 1932.**

This was also an all-India Ordinance, capable of being enforced in every province by “notification” by the local Government.‡

- (i) It made penal§ any instigation, actual or implied, of the non-payment of any notified liability.

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\* Section 27, chap. II., Ordinance XI. of 1931. (*Bengal Ordinance.*)

† These Acts are part of the ordinary law of the country and they provide both for procedure and for punishment. The provisions made under the Schedule of Ordinance XI. of 1931 render all offences under them subject to Ordinance procedure and penalties. Ordinance replaces law and procedure provided in Statutory enactments.

‡ Extended to Madras, Bombay, the Punjab, Bihar and Orissa and the Central Provinces on the 4th January, to the United Provinces on the 8th, and Assam on the 1st.

§ At the risk of loading this Report with legal detail, we quote the clause relating to this provision as an example of the range of Ordinance powers :—

“Whoever, by words either spoken or written, or by signs or by visible representations, or otherwise, instigates expressly, or by implication, any person or class of persons not to pay or defer payment of any notified liability ;

“And whoever does any act with intent or knowing it to be likely that any words, signs or visible representations containing such instigation shall thereby be communicated directly or indirectly to any person or class of persons in any manner whatsoever ;

“Shall be punishable with imprisonment which may extend to six months or with fine or both.”

- (II) A notified liability may be collected as arrears of land revenue. Agricultural rent of land is a notified liability.\*

### **Unlawful Association Ordinance, 1932.†**

**Possession of Premises.**—Government officials have power to take and retain possession of any premises suspected of being used for purposes of an unlawful association. The officer taking such possession may also similarly take possession of all movables and declare forfeit to His Majesty all such movables as may be used for the purpose of the unlawful association.

**Trespass.**—Those who remain on the premises after notification are trespassers.

**Funds.**—Local Governments have power to forfeit funds, securities, etc., which it suspects are being used for an unlawful association and may order the search and examination of premises, books, etc., and prohibit payment, delivery or transfer of funds.

**Unlawful Associations.**—If, in the opinion of the Governor-General in Council, any association interferes with the administration of law and order, or constitutes a danger to the public peace, he may declare it unlawful.

**No Appeal.**—There is no appeal from any sentence or order issued under this Ordinance and all offences are cognizable and non-bailable, and no proceeding purporting to be taken under this Ordinance shall be called in question by a court, and no civil or criminal proceeding shall be instituted against any person for anything done or in good faith intended to be done under this Ordinance, or against Government or any person acting on its authority, for any damage caused to property taken possession of by the Government.

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\* A notified liability.—All sums recoverable as land revenue, tax, rate or cess, any amount payable to Government or local authority, or rent of agricultural land or anything recoverable as arrears or along with such rent, is declared "a notified liability."

† Extended to Madras, Bombay, Bengal, the United Provinces and Bihar and Orissa on the 9th January, and to Assam on the 4th February.

## Molestation and Boycotting Ordinance, 1932.

*Molestation* includes any action with intent to cause another to do or to abstain from doing anything which he is entitled to abstain from doing or to do, the use of violence or intimidation, loitering near the house where the person, or anyone in whom he is interested, resides or works or carries on business or happens to be, or interference with property. The offence is non-bailable and cognizable.

*Boycotting* is to refuse "to deal or to do business with, or to supply goods to, or to let a house or land to, or render any customary service" to anyone, or to refuse to deal on the terms on which such things would be done in the ordinary course, or similarly to abstain from professional or business relations.\*

The boycott of a public servant is punishable with six months' imprisonment and/or fine. This includes *any form* of social boycott under the wide and elastic provisions of the Ordinances.

*Mock Funerals.*—Any mock ceremony resembling any ceremony connected with death, performed with intent to annoy or with knowledge that annoyance will be caused, is punishable by six months' imprisonment and/or fine. The offence is cognizable and non-bailable.

The Ordinance also enabled a large number of usually non-cognizable and bailable offences to be cognizable and non-bailable.

### (III.) WHO IS RESPONSIBLE ?

The Ordinances were promulgated and extended in their application without consulting the Legislatures, central or provincial. Nor did the Government call together the Legislatures nor invite the Assembly when it met later to pass its judgment on the Government's policy.† It was apparently not the intention of the executive that the

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\* Orders were served on street sellers of vegetables and such other petty traders under this clause. We also saw a barber boy whom the police in Malabar had beaten severely with lathis inside a police lock-up. The lad, prompted by their behaviour, refused to shave police constables.

† The question was raised by the Opposition in the Indian Legislative Assembly when it met in February, 1932.

Ordinances should be in force only till such time as legislation could be introduced and passed.\*

The Indian Legislative Assembly is often called the Indian "Parliament."† But it has no power to remove the executive or to compel its conduct by refusal of supplies.‡ Its sphere of competence is also severely circumscribed by the reservations, the overriding and the withholding powers which the Governor-General in Council may (and does) exercise.§

The Indian "Parliament" has no power to repeal or amend "any Act or Ordinance made by the Governor-General." (Government of India Act, Sec. 67, 2, iii.)

### **Constitutional Indian Opposition.**

The Indian Legislative Assembly met in the usual way in February (1932); the Government did not submit its policy for assent or endorsement, but it was raised by the Opposition.|| The Opposition motion about the manner in which the Ordinances had been promulgated, and the

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\* As the Assembly is constituted at present, the Government could have obtained the assent of the Assembly to an Emergency Powers measure. Its refusal to adopt such procedure is a comment on the attitude of the Executive to the Legislatures in India.

† Mr. J. Ramsay MacDonald, speaking at the Labour Party Conference at Birmingham in 1927, referred to India's Legislatures as India's Parliaments, in his argument to convince the conference that the committees appointed by the Indian legislatures to co-operate with the Simon Commission were popular bodies.

‡ Any cuts in the grants may be restored by certification. Certain items do not come before the Assembly at all. (Government of India Act, 67 A (3).)

§ "The right of putting questions is the only substantial right that we enjoy, which is more effective than these debates, because in interpellation we get some reply whereas all these Bills may be certified and our resolutions are merely recommendatory."

(S. C. Mitra, Assembly Debates (1932), Vol. V., No. 5, p. 1396.)

|| The Opposition in the Legislatures of India to-day does not represent Indian Nationalism. There are individuals in several Councils who are staunch defenders of liberty and protest against inroads, but the Councils in India are boycotted by Congress. Prominent Liberals (Moderate Nationalists) like Pundit Hirdaynath Kunzru resigned from the Assembly in protest against Government policy. India's Legislatures do not contain Labour representatives, save the few nominated by the Government. The Opposition thus represents very moderate and usually pro-Government parties who are opposed to Congress.

way in which it was being worked, demanded that there should be a revision of policy. At the same time it condemned both terrorism and Civil Disobedience. The Ordinances had been promulgated soon after the conclusion of the previous sitting of the Assembly, at which the Government had given no indication of its intention to pursue such a course.

The specific demands made by the Opposition were :

- (i) Emergency Bills be placed before the House in substitution of the Ordinances "*in order to enable this House to function effectively as intended by the Government of India Act.*" (Italics ours.)
- (ii) A non-official committee be appointed by the Assembly to inquire into the situation and the alleged official atrocities.
- (iii) The co-operation of Congress, Hindu, Moslem and Depressed Classes be secured for the new constitution.

The Assembly\* rejected the vote of censure by 62 votes against 44. The analysis of the votes, however, shows that the Government's side of 62 votes was made up of 39 nominated and official members, 9 Europeans and 14 elected members.

### Checks on Government.

It may be argued that under any form of government, however democratic and responsible, the Executive has to be armed with wide powers, that in India itself the powers are used with restraint and that the tradition of the services, the Legislature and public opinion, act as checks on their abuse. Unfortunately, however, the facts prove otherwise. On the Executive in India there is no effective check whatever. The Ordinances bar the jurisdiction of ordinary judicial authority and processes. Added to it are the facts that the civil resisters do not fight the law, the police and the magistracy are so closely linked, and where the issue is political, the higher officials of Governments are concerned with defending the man on the spot who maintains order, irrespective of how he does it. The Legislatures

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\* In Provincial Legislatures also such motions were tabled, and it is only the use of the official bloc that won the day for the Government. In the Central Provinces the voting was 29 to 23, the majority consisting of a number of official votes.

have no power of dismissing the Executive ; further, they consist of an official bloc whose strength is augmented by Europeans and a few Indian conservatives and place-seekers. The Press is equally powerless. The Indian Press is muzzled, and the Anglo-Indian Press either endorses executive action or demands "stronger" measures. There is no public opinion in India of which the British authorities need take notice ; if public opinion is persistent or outspoken it is at once suppressed under one or other of the Ordinances and those responsible for it thrown into jail.

The ultimate responsibility for the administration of India rests on the British Parliament, which exercises control and superintendence through the Secretary of State for India, who is a minister of the Crown and a member of the Cabinet. In actual fact British public opinion in recent times has hardly ever acted as a check on official excesses in India. The official in India is, however, as we discovered, sensitive to British opinion.\*

Parliament discusses Indian estimates in Committee on Supplies when the administration of India comes under review. Direct resolutions or adjournment motions also provide opportunities for discussion on policy. Questions in the House of Commons in recent years have increased in number. According to the rules of the House, however, their scope is very circumscribed.† Whatever Party is in power, it holds the brief for the Indian administration. Parliament's direct knowledge of India is mainly confined to reactionaries who include the ex-civil servants and business men whose interests lie in the retention of the *status quo* and the stifling of Indian national awakening. They are always supporters of the "firm hand." No Parliamentary Opposition‡ has made a study of the point of view of the

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\* See chapter on Officials.

† Under the rules, questions relating to provincial subjects, even when they are not administered by an Indian Minister, may not be asked in the House of Commons. Other rules reduce the scope of questions even further.

‡ In 1927, when Indian leaders did their best to press their point of view on the Labour Opposition, Mr. MacDonald resented it as an interference from outside.

While parties of the Left desire a more liberal administration in India, their speeches have hardly ever reflected the opinion or the intensity of the feeling of even moderate Nationalists. In this respect the Indian question differs from the Irish, which had its exponents in Parliament.



people who live under the system for which Parliament has the ultimate responsibility. The Indian people themselves are not directly represented in the House of Commons nor do Indian affairs figure in British Parliamentary elections or controversies to any appreciable extent. In relation to Parliament, India is not a constituency but an owned country, whose masters and owners are the democracy of Great Britain. But neither the democracy nor its representatives exercise any effective control over the officials in India. Unrepresented as the Indian point of view is in the House of Commons, and ignorant as this country is of the actual facts, the present state of affairs is inevitable. Under a Government of the Left the situation becomes even worse. A Labour Secretary of State is perforce obliged to assume the role of the defender of the agents of Imperial rule and of the system obtaining in India.\*

Defending his administrative record at the National Conference of the Labour Party in 1932, Mr. Wedgwood Benn, ex-Secretary for India, referring to himself, said :

" Here was a man standing alone with a Bureaucracy five thousand miles away and a minority in Parliament, left to guess at the situation in India, a man who strove earnestly and fearlessly to carry out the programme of emancipation which is the Labour programme for India."

Mr. Benn's statement is a significant confession that despite the theory of the responsibility of the Secretary of State and Parliament for India and the powers of the " Great Moughal " which is entrusted in the head of the India Office in Whitehall, under the provisions of the Government of India Act, the Minister of the Crown responsible for Indian affairs is in fact powerless to direct or control the course of events and policies as they obtain in India. Mr. Benn gives away the case when he speaks of " a bureaucracy five thousand miles away."

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\* Cf. Mr. Wedgwood Benn's speech on Indian Estimates on May 26, 1930. (Hansard, from col. 839.)

## CHAPTER VI.

### THE LEGALITY OF THE ORDINANCES.

"... We are to-day asked to put on our Statute Book a set of laws unknown to any civilised form of jurisprudence, laws which are so revolting, so humiliating, so liable to abuse, so sinister that it is a question whether any self-respecting subject would not pause to ask himself the question, 'Is this cursed land fit to live in?'

"Sir, is this legislation? I call this the prostitution of legislation. No law has been yet devised, nor could it ever be devised, which can force a people to love a government and its agents if they do not choose to do so voluntarily.

"Sir, a Government which looks on every combination of men as conspiracy and every patriot as a rebel cannot expect the people to look upon the Government and their agents as people who are here for the benefit of the people."

(B. R. Puri, M.L.A. An eminent Punjab lawyer ;  
Assembly Debates, Vol. 5, Nos. 5 and 6.)

#### (I.) ORDINANCES AND THE LAW.

**A**S has been pointed out, Section 72 of the Government of India Act confers on the Governor-General the powers to make Ordinances which have the power and sanction of law. The Courts would regard the Governor-General as "the Legislature" in the case. The Ordinances have often been spoken of as "lawless law," a description which refers rather more to the moral and ethical than to the legal aspects of the measures.

While, however, the Governor-General possesses Ordinance-making powers, lawyers argue that he is limited by

- (1) The spirit of the Government of India Act, 1919.
- (2) The disallowance provisions of the Government of India Act, 1919.
- (3) Section 84 (1) of the Government of India Act, 1919.
- (4) Other specific sections of the Government of India Act, 1919.
- (5) Common Law (British) rights as far as they apply to India.
- (6) The Proclamation of 1857, which, it is argued, has the validity of an Act of Parliament.

Eminent lawyers have questioned the legality of the Ordinances as a whole, of the right to renew them and of the present legislation, the Criminal Law Amendment Act and the Bengal Suppression of Terrorist Outrages Act (XXIII. and XXIV. of 1932). Certain judicial decisions in

cases under the Ordinance throw light on the inroads that the Ordinance have made on the rights of the citizen under the ordinary law. The question of the legality of the Ordinances have, however, not been seriously challenged. Government spokesmen have countered the legality charges in the Assembly.

### **The Ordinances and the Spirit of the Act.**

Section 65 of the Government of India Act enumerates the powers of the Indian Legislature,\* and it is clear from the clauses in Section 65 that the intention of the Government of India Act is to place on the Legislatures as a whole the competence and power to make laws for all persons, "for all courts and for all places and things within British India," as well as for the subjects of His Majesty and for the officers, soldiers, etc., of the Government. This power is, however, limited by Acts of Parliament relating to India, passed after 1860, the authority of Parliament, the unwritten laws of the United Kingdom on which may depend the allegiance to the Crown of any person, and Acts of Parliament which enable the Secretary of State to raise money in the United Kingdom for the Indian Government. The Emergency Powers were not intended by the Act to replace the Legislature as a whole, nor to usurp its powers, as the provision about limiting the operation of Ordinances to six months clearly shows.

The present Ordinances have virtually suspended the Constitution, the Government's refusal to consult the Legislatures,† even at a later day, is also a violation of the spirit of the Act of 1919. If it was contemplated that the emergency powers were to be used, as they have been used, the Act of 1919 and the extension of the powers of the Indian Legislatures thereunder need not have taken place at all.‡

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\*The Indian Legislature consists of the Governor-General, the Council of State and the Legislative Assembly.

†The Ordinances were promulgated just before the Legislature session and renewed or re-promulgated just after the session ended.

‡ "Government's failure to approach the Legislature in this respect (renewal of Ordinances), as is contemplated at least by the spirit, if not the letter, of Section 72 of the Government of India Act, is, in the opinion of the Council, not calculated to promote respect for laws and for methods of constitutional government." (Council of the Western Indian Liberal Association, July 6th, 1932.)

## Are they Unconstitutional ?

Section 84 of the Government of India Act lays down that

“A law made by any authority in British India and repugnant to any provision of this or any other Act of Parliament shall, to the extent of that repugnance, but not otherwise, be void.”

The Ordinances are “laws” made by an “authority” in British India. They are declared by the Government of India to have the force of laws passed by the Legislature (Sec. 72) ; the Governor-General himself is part of the Legislature under the Constitution (Sec. 63, Government of India Act). It becomes pertinent, therefore, to inquire whether the Ordinances do not contravene Section 84 of the Indian Constitution.

The Royal Proclamation of 1857 placed the relations of the people of India with the Crown on the same level as those with other subjects of the Crown, the people of the United Kingdom. An Order in Council which authorised the proclamation, and the Government of India Act of 1858, is argued to have given legal validity to the pledges given in that document.

Section 65 (2) (ii.) of the Government of India Act, to which reference has already been made in these pages, prohibits the Indian Legislatures from making “any law affecting “the authority of Parliament or any part of the unwritten laws or Constitution of the United Kingdom whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom. . . .”

If we accept that the Ordinances fall under the category of “laws made by the Indian Legislature,” on grounds already stated in a foregoing paragraph, the guarantee to the Indian of the rights obtaining under British law centre round the issue of the Ordinances or other Acts interfering with the allegiance of the subject. Law Courts have, however, decided to the contrary. The allegiance of the subject in law is declared to be absolute.

On behalf of Mrs. Besant, in her appeal against sentences under the Indian Press Act, this point was raised, and it was argued that the Indian Press Act was *ultra vires*. The Privy Council dismissed the appeal. (Law Reports 46, Indian Appeals 176-191.)

During the period of martial law in the Punjab, following the shooting at Amritsar, special Martial Law Courts were established under an Ordinance. This was challenged in the Privy Council as being *ultra vires*, on the ground that it tended to affect the allegiance of the subject to the Crown. The Privy Council ruled that the section of the Government of India Act in question "does not prevent the Indian Government from passing a law which may modify or affect a rule of the Constitution, or of the Common Law, upon the observance of which some person may conceive or allege that his allegiance depends. It refers only to laws which directly affect the allegiance of the subject to the Crown, as by a transfer or qualification of the allegiance or modification of the obligations thereby imposed."<sup>\*</sup>

It would appear, not merely from what actually goes on in India, but from the decisions of Courts, that the rights that the Indian subject enjoys are in fact determined by the Acts of "competent" authorities in India, in which category would come all executive orders and Acts.

## (II.) COMMON LAW RIGHTS : HABEAS CORPUS.

In India all the rights under British Common Law do not obtain,<sup>†</sup> and the rights of the subject can be placed at the mercy of the Executive at the discretion of a provincial Government, which, in fact, means an official.

### Two Important Cases.

An application was made in July, 1932, before two judges of the Bengal High Court, Mr. Justice Mullick and Mr. Justice Remfry, calling upon the Superintendent of the

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<sup>\*</sup> Bugga vs. King-Emperor, 47, Indian Appeals 128-138.

<sup>†</sup> "A certain number of the older English Statutes and the English Common Law are to a certain extent still in force in the Presidency towns as applicable to Europeans, while much of the old Hindu and Mohamedan Law is everywhere personal to their native fellow-subjects, but apart from these and from the customary law, which is as far as possible recognised by the courts, the law of British India is the creation of statutory enactments, made for it either at Westminster or by the authorities in India to whom the necessary law-giving functions have from time to time been delegated." (Quoted in "The Indian Year Book" from "The Imperial Gazetteer.")

Bengal Presidency Jail to show cause why a writ of *Habeas Corpus* should not be issued to produce Kali Charan Ghose and Suhghose before the Court.

On behalf of the applicants it was stated that the two men had been detained illegally, without charge specified and without being placed before any Court. The Court held that the detention was legal and observed that

"The local legislature had power to determine whether any person should be detained only after his case had been tried by a law court or after the question had been determined by any other authority.

"The plain meaning of the words used in Sec. 2, clause (i.) of the Bengal Criminal Law Amendment Act of 1930, under which the Local Government have acted, is that the only test to be applied is whether, in the opinion of the Local Government, there were reasonable grounds for suspicion against these two young men.

"It is therefore clear that the legislation is deliberately provided so that there should be no appeal to any Law Court for the adjudication about the merits of any order passed by the local Government under this Act."

One of the applicants, Kali Charan Ghose, was a French citizen, being an inhabitant of Chandranagore (French India), but their Lordships ruled that there was no immunity from the operation of local law, since "foreign subjects come within the provisions of all Acts in force in British India if they choose to come into this country (British India). French Law does not purport to give its subjects any privilege or immunity in foreign countries, nor would any such French Law, even if it existed, be of avail in British India."\*

A similar application for *Habeas Corpus* was made on behalf of Miss Premila Gupta, a Bethune College student, detained in the Presidency Jail, even after she was absolved from complicity in the shooting of Sir Stanley Jackson, by the trying magistrate. The argument of the applicant's counsel in this case was, that the detention which was made in pursuance of the Governor-General's orders issued under Sub-Section II of the Bengal Criminal Law Amendment Act was *ultra vires*.

In the two *Habeas Corpus* cases cited here the question of the rights of the subject and the legality of the Ordinances was raised.

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\* This observation is interesting in the light of the claims recently made about the rights of British-born subjects in a trial in another country.

It was contended by counsel that the Act\* in question sought to interfere with the fundamental rights of British subjects guaranteed by various Acts of Parliament, and to that extent violated the provisions of Section 80 A, clause (4)†, of the Government of India Act, itself a Statute of Parliament.‡

As against executive authority and "suspicion" and orders of the "Local Government," the subject has no rights in India.§

### (III). THE RENEWAL OF THE ORDINANCES.

June 30, 1932.

If the Ordinances of the early part of 1932 contravene the spirit and provisions of the Indian Constitution, the action of the Governor-General in re-promulgating the Ordinances at the end of June was even more open to the charge of illegality.

Section 72, on which the Ordinance power rests, explicitly

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\* It is necessary to point out here that the orders issued are under the Bengal Criminal Law Amendment Act, a piece of legislation passed in the Bengal Provincial Council with the majority of Indian-elected members voting against it.

The detention is, however, in reality under the Bengal Ordinance. Since the 29th October, 1931, this Act is superseded by the sections 3, 4 and 5 of the "Ordinance to amend temporarily the Bengal Criminal Law Amendment Act, 1930" (see Ordinance IX. of 1931 and Nos. 8 and 9 and 11 of 1932), usually known as the Bengal Ordinance, several times renewed. The detention is, therefore, an Ordinance matter.

† Section 80 A, clause (4), reads: "The local legislature of any Province has not power to make any law affecting any Act of Parliament." Also see Section 84 (i.), last paragraph, already cited, on the validity of Indian laws.

‡ In the case of Miss Premila Gupta her counsel cited a Privy Council ruling empowering His Majesty's judges to inquire into the causes and the basis on which the Executive can seek to restrict the liberty of a British subject. The Government case was that the Bengal Ordinances left no scope for inquiry by a court of law.

§ These Bengal decisions obviously mean that the High Court has no power to issue a writ, since under the Habeas Corpus Act, the granting of such is compulsory, and it cannot therefore be considered that the Court merely declined to exercise power. If this be so the Bengal Act and Ordinance run counter to and nullify an Act of Parliament (Habeas Corpus Act), which is, as shown above, illegal under sections of the Government of India Act. The question whether a writ of Habeas Corpus may not be taken out in England under the Habeas Corpus Act of 1862, since the Bengal Judges decided that the appropriate Court has no authority to issue a writ, arises.

contemplates the power as an emergency one, to last not more than six months. The Government of India have endeavoured to legalise their position by arguing that the Consolidated Ordinance of July and its supplementaries were promulgated *de novo* and are not "renewals." This is not good even as a legal quibble. It is also a clear violation of the spirit of the section, a complete thrusting aside of the Legislature and a recognition in fact (not in law) that the six months of Ordinance rule had not terminated the "emergency."

If the renewal, as we must call it for clarity, is illegal in its spirit it is also indefensible in legal form. The Consolidated Ordinance (the renewal) was promulgated on the 30th June, 1932, when the previous Ordinances were still in operation; they did not expire till 4th July, 1932. For four days two lots of Ordinances obtained, legally a curious position. The preamble of the "renewal" was the same as that of the first Emergency Powers Ordinance of the 4th January (No. 2 of 1932). "Whereas an emergency has arisen which makes it necessary to confer upon Government and its officers for the purpose of maintaining law and order . . ." In fact no emergency had "arisen" on the 30th of June; if there was an "emergency" it was a continuing one; it was not "necessary" to "confer special powers on Government and its officers," because they already possessed them under the Ordinances which still operated.

It would have been more correct for the Government to say: "Whereas the emergency, to meet which Ordinances . . . were promulgated, still continues . . ." Such a wording would have at once made the circumventing of Section 72 impossible. It would have made the new Ordinance a "renewal" in form and fact\* and not a promulgation *de novo*.

This might appear a legal quibble, but it is one that explains the Government's quibble and also throws light on the facts that the Governor-General was stretching Section 72 of the Government of India Act to rule without the Legislature and to arm the Executive with powers which

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\* A comparison of the provisions of the two Ordinances, No. II. and No. X., will show that the provisions are almost identical except for the omission of Sections 8, 9 and 12 of the January Ordinances in the renewed one.



contravene the rights of the subject,\* Acts of Parliament, and encroach on the rights of Courts.

The question of the illegality of the renewal of the Ordinances was raised in the Legislative Assembly on the 26th September, 1932, by Mr. Puri in the debate on the Ordinance Bill. Challenged on the point whether the Government had taken the opinion of the Law Officers of the Crown, the Home member gave an ambiguous reply, which suggested that such opinion had been taken. Later in the debate, in a lawyers' battle between Mr. Puri and Sir B. L. Mitter, the latter gave an equally ambiguous reply which appears to contradict the Home member, Sir Harry Haig. Sir B. L. Mitter denied that the position, that "the Governor-General can issue and keep on re-issuing Ordinances every six months," does not obtain. Further questioned, the Law Member denied that the point was ever referred to "anybody for opinion."†

#### (IV.) A COMPARISON WITH BRITISH LAW.

In 1932 the Ordinances and now the Acts recently passed deprive the Indian people of the rights of personal freedom and safeguards which most British people believe exist under British law everywhere.

The following analysis and contrasts should help towards an understanding of the situation :

##### BRITAIN.

- (1) The right to institute civil proceedings for false imprisonment and malicious prosecution.

(This places the police and the executive on the same level as the subject and gives the latter the protection of the judiciary and the law against abuse of power by the former.)

- (2) Criminal prosecution for assault. (By Police Order or Executive Authority.)

##### INDIA.

- (1) Taken away (i.) under several provisions of the Ordinances, notably Sec. 52 and Sec. 78

(2) Ord. X. of 1932, barring judicial jurisdiction; (ii.) under Sec. 13 of the Criminal Law Amendment Act, adding new Sec. 17 F (XXIII. of 1932); (iii.) Sec. 5, Bengal Terrorist Act (XXIV. of 1932), and provisions of the Provincial Acts.

(Does not now obtain in India.)

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\* The "rights of the subject" at common law as understood in this country are non-existent in India.

† A perusal of the exchange of questions and answers during the debate (Legislative Assembly proceedings, 26th September, 1932, pages 1391-1394) would show that the legal opinion on the matter was not on the Government's side even as far as its own law officers were concerned.

## BRITAIN.

- (3) *Habeas Corpus*.
- (4) All subjects are liable to the same law and liability by ordinary courts.
- (5) Certain rules of evidence and procedure.
- (6) Bail.  
(Note.—The Bill of Rights (1689) disallowed excessive bail).
- (7) Cognisability.

## INDIA.

- (3) Refer cases already cited.
- (4) Special tribunals and procedure nullify this. The Ordinances in many cases bar the jurisdiction of the courts and deny appeal.
- (5) Special rules of evidence and restrictions on legal assistance. (Sec. 49, 50 and 51 of Ord. X. of 1932.)
- (6) The Ordinances and recent laws have made large classes of cases non-bailable, and restricted freedom and opportunity of defence.
- (7) Similarly large classes of cases ordinarily non-cognisable are made cognisable, thus conferring enormous power on the police and the Executive and making numbers of offences into crimes.

## A FUNDAMENTAL DIFFERENCE.

Under British law everyone is innocent unless proved guilty. The onus of proof is on the prosecution.

Grounds of charges, detentions and imprisonment are often suspicion or reasonable ground for suspicion. The prisoner or accused has to clear himself.

## RIGHT OF MEETING AND UNLAWFUL ASSEMBLY.

- (i.) An assembly is unlawful only if its object or result is a crime or breach of the peace.
- (ii.) A Proclamation of the Executive does not make an assembly unlawful (*Rex v. Furse*), nor does the likelihood that others may commit a breach of the peace make an assembly unlawful. (*Beatty vs. Gillbanks*.)
- (i.) Sec. ii. of Act xxiii. of 1932 takes away these rights. Meetings are declared unlawful at mere executive discretion on suspicion wherein breach of the peace is not the issue.
- (ii.) Meetings and associations are declared unlawful by "notification" by the Government, the notification being what renders the body unlawful, not its character. Meetings by non-political bodies or moderate political bodies are banned on the ground that they may lead to a disturbance.

## WARRANTS.

General warrants to seize a person or his papers are illegal. Cf. the famous Wilkes case (Wilkes vs. Wood), and Entick vs. Carrington.

Powers to search under Sec. 14 and 15 (of Ord. X. of 1932) were general, wide and arbitrary. Power was given to any official and Section 17 E of Act. XXXIII. of 1932 empowers search of premises on suspicion. Also C. 2, 11 and 12 of Bengal Ord. XI. of 1931 (renewed and supplemented).

[This does not purport to be an exhaustive table of contrasts.]

## (V.) A COMPARISON WITH MARTIAL LAW.

There has been proclamation of Martial Law in India in recent years,\* but Martial Law conditions obtain now to the extent that there is:

- (a) Suspension of ordinary law.
- (b) The substitution of executive discretion for law (in fact).
- (c) The use of soldiers for maintaining internal order.
- (d) The use of armed police as a normal practice.
- (e) The discretionary rule of the executive functioning in the main through the police (but not the military).
- (f) Billeting, punitive fines and commandeering of supplies.
- (g) Curfew.

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\* Martial Law was proclaimed in the Punjab in 1919, when grave excesses were committed by the Martial Law administration, including the notorious crawling order, which compelled all Indians to crawl on their bellies when they passed the spot at which an Englishwoman is alleged to have been assaulted. It also included other humiliations, such as orders to Indians to salute every Englishman. The next case of martial law was in Malabar after the Moplah Rebellion in 1921. More recently martial law was declared at Sholapur in 1930 and at Geshawar. Ordinary law confers on the official as much or more power than under martial law. The main difference appears to be that the civil administration has not abdicated and the tribunals are not military institutions with military officers presiding.

- (h) The power to stop and search any person suspected of carrying arms or information.
  - (i) Blockading of areas (villages).
  - (j) Control of information about movements of police and military.
  - (k) Control of the movements of individuals and sometimes of sections of the population by means of passports, etc. (even within a province).
  - (l) Special tribunals and procedure displacing and barring judicial processes and the normal system and ideas of Criminal Jurisprudence.
  - (m) Quartering of troops on peasant villages.
  - (n) Firing by sentries on suspects and villagers who are alleged to fail to answer a challenge.
  - (o) Mass intimidation by the display of armed force in villages.  
(The route marches of troops are called "showing the flag.")
  - (p) Indemnity for official acts, civil and military, which is given in advance, not after, as even in martial law.
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## CHAPTER VII.

### THE END OF THE ORDINANCES.

"We are not playing a game with artificial rules; the question is whether the Congress is going to impose its will on the whole country and dictate the Constitution. On that issue, so far as the Government is concerned, there is no time limit."

"... It is not sufficient that the powers should be in existence merely until the Civil Disobedience movement ceases, but that they should be available—without the odium that naturally attaches to the issue of an Ordinance—in case that the movement or similar movement is revived."

Sir Harry Haig, Home Member, Government of India.  
(Cf. Assembly Debates, Vol. 5, No. 2, pp. 1130 and 1131.)

"We find hundreds and thousands of people who are starving at the present moment, who have nothing to eat. What have the Government done for them? ..."

"... They have been sending thousands and thousands of persons to prison without giving the least regard to the fundamental causes which underlie these movements."

"I am sure that Civil Disobedience movement will not end till this legislation is wiped off, if it ever comes to the Statute Book."

Shaikh Sadiq Hasan, Elected Moslem Member, Indian Legislative Assembly. (Cf. Assembly Debates, Vol. 5, No. 5.)

#### (I.) REPLACED BY LEGISLATION.

**T**HE third stage of Ordinance rule is reached when the Government of India finds that the emergency continues even after two periods of Ordinances and places before the Assembly the Bill to enact in statutory forms the essential provisions of the Ordinances.\*

#### **A Continuing "Emergency."**

Introduced as "Emergency" measures, they were in operation for two terms. Towards the end of the second six months the Government still found it necessary to arm itself with extraordinary powers. Thus the "emergency"

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\* Reference has already been made to the Government's view of this measure and its intention. (Cf. Sir Harry Haig's speech already quoted.) The new Act is called "The Criminal Law Amendment Act, 1932" (Act 23 of 1932). It is supplemented by The Bengal Suppression of Terrorist Outrages (Supplementary) Act, 1932 (Act 24 of 1932), and several Provincial Acts.

continues even after nearly a year of Ordinance rules which Sir Samuel Hoare stated in the House of Commons were drastic and severe and widespread in operation.

The Government of India introduced in the Legislative Assembly a Bill which in a consolidated form confers on the Executive the powers taken under the Ordinances. Similar legislation was introduced in several Provincial Councils too. The measure had a contested progress in the Assembly but was finally passed.\*

### **Indian Opposition.**

It was attacked by the Hindus and Moslems, Nationalists and Independents in the Assembly.† The attack in a Legislature does not invalidate a law or prove its illegality. The arguments of jurists who are members of the Assembly are, however, relevant.‡

The Ordinances' powers are now, therefore, part of the ordinary law. The operation of the Act was limited to three years as a result of the opposition in the Legislature.

### **The Government View.**

The nature of the measure and the Government's view of its purpose was expressed by the Home Member, Mr. H. G. Haig (now Sir Harry Haig), in his response to an appeal to accept modifications in Select Committee§ :

" . . . these powers are intended to restrain the civil disobedience movement, as nothing would be more disastrous to the new Constitution than the success of the civil disobedience movement. . . . " " . . . In my judgment we must prove to the people that civil disobedience is not a panacea for political ills. We must show that it is a discredited weapon and we must endeavour to break it."

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\* The majority of the Indians in the Assembly attacked the proposals vehemently. Among these may be mentioned such moderate men as Mr. N. M. Joshi, the Trade Union leader, and Sir Abdul Rahim, a former High Court Judge and ex-member of the Bengal Government, and several other Moslems, moderates and title holders.

† These are only Council parties. The Nationalist movement has boycotted the Legislatures, the members of which now consist entirely of co-operators and opponents of the Congress.

‡ We are dealing only with legal objections here. Other objections and contentions appear elsewhere in this report.

§ Legislative Assembly Debate, 1st October, 1932. (Press Report.)

" . . . I must make it clear that Government would not be prepared to accept as fulfilling the object of this Bill any pale shadow of the provisions which we have inserted. We must be satisfied that the efficacy of the essential powers is not impaired."

The Act that has been passed does not, however, prevent the Government of India enacting more Ordinances if it so desires. The permanent law of India, as was pointed out by speakers in the Legislature, is enough to deal with any emergency; yet the Ordinances were enacted. Since the Ordinance-making powers remain, even the present drastic legislation may be supplemented or displaced by Ordinances.

### **The Indian View.**

What was popularly known as the "Ordinance Bill" has now become part of the law of India as amendments to the Criminal Law. The purpose, scope and character of the legislation will be made clearer by a few quotations from the speeches in the Assembly.\*

"Under these laws any person who does not love a policeman or casts an unfriendly look on an official is liable to be imprisoned and the offence is non-bailable."

"Are we to believe that the Government is actually at war with the people, a war which is even more desperate than that of 1914?"

" . . . very wide powers were to be handled by the magistracy from whom we could not expect justice."

Mr. Puri, M.L.A. (elected).

" . . . the present Bill is nothing but a re-enactment of the Ordinances which have been in force for the past ten or eleven months."

" . . . not only do you propose to create a new jurisprudence, you are prescribing a new procedure, you are creating a new jurisdiction."

"Government are abolishing the rule of Law for which, even Sir John Simon said, we Indians ought to be thankful to the British Government."

"This Bill is directed not against any particular acts of Civil Disobedience, but against the movement itself, not against any particular manifestations or against any particular acts but against the whole movement itself."

" . . . I say there is nothing in the Civil Disobedience movement which cannot be checked or which cannot be punished by ordinary law."

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\*The opponents of the Bill in the Assembly in all its stages formed the vast majority of the elected members. They are, however, opponents of Congress and Civil Disobedience and co-operators with the Government. The majority are men of extremely moderate and some even of very conservative views.

"You are adding extremely harsh provisions to the ordinary criminal law of the land, already very stringent, and we have all to live under it. Because a certain class of people are defying certain laws, you cannot take away the jurisdiction of the Courts under the law, which gives protection to the people's personal rights, rights of association and rights of property. . . . Why punish millions of people who are absolutely innocent ? . . . We cannot consent to live under this kind of law which empowers the executive to do whatever they like."

Sir Abdur Rahim, M.L.A.

Leader, Independent Party (elected Moslem).

" . . . the Government of India are trying to enact this law in the teeth of fierce and consistent opposition from every section of the Indian population and from every part of the country, and you are adding a new punishment. All these things . . . are foreign to the fundamental principles of established Criminal Jurisprudence of this country."\*

Sir Hari Singh Gour, Leader of the Opposition (elected).

"If such a law as this is permanently placed on the Statute Book, people will naturally conclude that it would be better to have a terrible end than a terror without end."

Sir Zulfiqar Ali Khan, M.L.A. (nominated Moslem).

"This piece of legislation makes the position of the ordinary law even worse than even that of martial law. In the case of martial law, the ordinary law is suspended for the time being, and before a bill of immunity is brought in, the officers are very much afraid that their conduct may be criticised. But here it seems that the Bill of Immunity precedes martial law."

S. C. Mitra, M.L.A. (elected).

"Appeals are not desirable in these cases. I repeat that too many appeals are a curse in our judicial system. It does not conduce to justice."

Sir B. L. Mitter, Law Member and

Leader of the House (official).

"We have in India a triple threat to peaceful progress, Civil Disobedience, Communism and Terrorism ; though the main provisions of the Bill are directed against the first of those, I hope the House will not forget the provisions relating to the press will exercise a strong controlling influence over the movements of Communism and Terrorism. . . .

"Terrorism threatens Government by open force. The other two, Civil Disobedience and Communism, are more subtle in their methods but possibly even more disastrous in their results.

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\*Sir Hari Singh Gour is one of the leading lawyers of India and the author of several legal works. He is a friend of the Government and co-operated with the Simon Commission, which even the Moderates boycotted. The character of this legislation in terms of British Law is made clear by part of Sir Hari Singh's speech, which we quote.



For their object is to destroy the whole basis of authority and the traditional institutions on which society is founded."

Sir H. G. Haig (Home Member : *official*).

### **The Contest in the Assembly.**

The Bill was fought in Select Committee and the Assembly clause by clause. In the Select Committee it was steam-rolled ; a vast number of its objectionable clauses were carried by the casting vote of the Law Member, who is the principal law officer of the Crown, a member of the Viceroy's Executive Council and Leader of the House. In the Assembly it had amendments, and on the Bill as a whole the vast majority of elected members voted against the Government, which, however, carried its measure, by the use of its official and wonted reactionary bloc and allies.

To anyone who is really anxious to know the character of the measure and the kind of law that the Indian has to live under, we commend a study of the Legislative Assembly debates on this measure, in the autumn and winter of 1932.

The debate clearly showed :—(1) That the measure was aimed against the political agitation which is summed up in civil disobedience and not against violent or revolutionary crime or activity. (2) That the Government do not consider that Civil Disobedience has collapsed. (3) Its hold on the people is recognised in the efforts to prove that it is not a panacea. (4) That the measure is not aimed against specific acts or offences, but permits wholesale powers to be used by the Executive on *suspicion* against those who are *likely* to commit offences or be *associated* with such persons. (5) That even the co-operating Indians in the Assembly do not accept the Government's view of the situation and are not behind the Government in its arbitrary rule. (6) That the measure was steam-rolled both in Select Committee, where the casting vote of the Law Member alone saved its worst provisions from defeat at the hands of the Opposition groups. (7) That the Act is based on a negation of the accepted conceptions of British and British-Indian Criminal Jurisprudence. (8) That the legality of the Ordinances, either in whole or in part, was not beyond dispute and that the present Act is also bad law, apart from it being an evil measure. (9) That the Indian Legislative Assembly has little influence on the conduct of the Executive Government of India.

## (II.) CHARACTER OF THE LEGISLATION.

An analysis of the provisions of the legislation we are now discussing is not possible here. Nor would it serve a useful purpose, since the content of the legislation is in essence the same as the Ordinances. The opposition in the Assembly made this amply clear. What is not covered by the provisions of the Amendment Act itself is provided for in provincial legislation and the modification of existing law, such as the Penal Code, which has been done through the medium of the Criminal Law Amendment Act.\*

The character of the law which governs public order in India, which is no longer an emergency measure, and which the Government has defended on moral and practical grounds, will not, however, become clear without illustration by two of its sections as an example.

Sections 4 and 7 (Criminal Law Amendment Act, 1932) are a fair sample :

These clauses, now part of the permanent law of the country, may be brought into force in any area at any time by the Local Government, by notification in the local Gazette (Sec. 1 (4) ). The extraordinary powers are thus placed at the disposal of Local Governments, which in turn means the Executive. In actual practice the decision in the matter would largely lie with the police. The Legislatures in the Provinces have no control in the matter.

Sec. 4 (1) reads :

“Whoever with intent to harass any public servant in the discharge of his duties or to cause him to terminate his services or fail in his duties, refuses to deal with, whether by supplying goods to, or otherwise, or let on reasonable rent a house usually let for hire, or land not being cultivated land to, or to render any customary service to such public servant or any member of his family, on the terms at which such things would be done in the ordinary course, or withholds from such person or his family such medical services as he would ordinarily render, shall be punished with imprisonment for a term which may extend to three months or to a fine which may extend to 500 rupees, or both.

Sec. 7 is even more drastic. It reads :

(a) “Whoever with intent to cause any person to abstain from or to do any act which such person has a right to do, or to abstain

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\*This Amendment Act defied all constitutional tradition by not merely changing the content of the Act it was “amending,” but introduced wholesale modifications and amendments into other laws of India, such as the Penal Code, which were not before the Legislatures for revision or amendment.

from doing, obstructs or uses violence to or intimidates such person or any member of his family or person in his employ, or loiters at or near a place where such person or member or employed person resides or works or carries on business or happens to be or persistently follows him from place to place or interferes with any property owned or used by him or deprives him in the use thereof or

(b) "loiters or does any similar act at or near the place where a person carries on business, in such a way and with intent that any person may thereby be deterred from entering or approaching or dealing at such place

"Shall be punished with imprisonment which may extend to six months or with fine which may extend to 500 rupees, or with both."

The term "public servant" covers a large class and includes railway servants, village *choukhidars* and servants of local authorities, as well as persons in the naval, military and air services of the Crown.

The clause as introduced by the Government sought to cover not only public servants but "*anyone in whom such person is interested.*"

The interpretation of all such terms as "loiter," "pursue," "near," "follow," on which would depend the visitation of the penalties of the Act on citizens, are matters of executive, which means police, discretion. The police initiate the proceedings and provide the evidence. The Courts that deal with the cases are *Magistrates' Courts*, which are not part of the judiciary but of the Executive.

During the debate one of the members of the Opposition suggested in a sarcastic way that the section should be amended to add the words:

"Whoever stares at a public servant or a servant of such public servant, whoever talks unkindly to a public servant, whoever cracks a joke with him, whoever fails to invite him to dinner when others are invited, shall be guilty of having committed an offence and shall be liable to imprisonment of either description."

This ironical suggestion is helpful in throwing light on the character of the clause. The same member went on to say:

"According to this, even if a shadow of a person falls on another, he is liable, because it amounts to "pursuing" and "following." If a person goes out for a stroll he can be hauled up for committing an offence of this kind. . . . I would ask the Government seriously to reflect whether such laws and with such magistracy as we have got, you are not seriously undermining society. . . . If the laws are bad the mischief could still be mitigated if the magistracy is above suspicion."

Other sections of the Amendment Act\* relate to :

- (1) Dissuasion from enlistment in the armed forces of the Crown.
- (2) Dissemination of contents of proscribed documents and false rumours.
- (3) Imposition of fines on parents or guardians for offences committed by young people and children.
- (4) Powers of Local Government to make offences cognizable and non-bailable.
- (5) Seizure of movable property and notification of unlawful association.
- (6) Forfeiture of funds and property.
- (7) Control of the Press ; and
- (8) Barring of other jurisdiction.

The sections are as drastic and all-reaching as the ones quoted.

### (III.) RESULTS OF THE ORDINANCES.

The Ordinances have failed to achieve their avowed purposes. These were: (1) maintenance of law and order and peace in the country; (2) to crush the Civil Disobedience movement and to wean away support from it; (3) to prevent the growth and influence of the power of the Congress movement, as the representative organisation of the people; (4) to facilitate the introduction of the new Constitution.

The renewal of the Ordinances and the subsequent incorporation of the essential powers in Acts of the Legislatures have proved conclusively that "strong" measures are neither a remedy nor a palliative. Their use had made their continuance a necessity. Peaceful conditions have not been restored, even if it be granted that there is a comparative diminution or even cessation of active hostility and resistance to any authority. It will be admitted even by the officials that the greater part of the attention and resources of the police, and allied departments of the Government are even to-day utilised in the Government's

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\* At the same time the Government obtained the passage of amendments to the Bengal Suppression of Terrorist Outrages Act, the purpose of which was to curtail severely the powers of revision of higher Courts in Terrorist outrage cases on the ground of shortening of procedure. It also curtails the powers of the Indian High Courts and excludes the "interference of Courts with proceedings under the local Act." (The "local Act" is the one commonly known as the Bengal Ordinances.)

Ordinance campaign. It will also be admitted that the Ordinances have not added to the respect for law; those against whom they have been used are not disorderly law-breakers and the maintenance of order has therefore meant the stifling of militant protest. Peace, in the sense of social harmony, has not been permitted by these measures, nor can it be argued that the Ordinances have been administered peacefully. The year 1932 has instituted the use of force on the civilian population in a manner unprecedented in Indo-British history.

As for crushing the movement; the admission implicit in the continuance of the powers and in keeping nearly 20,000 Congressmen locked up is sufficient answer. The speeches of Sir Harry Haig in the Assembly deny that the movement has been crushed. Congress leaders even as late as March, 1933, declined to abandon Civil Disobedience and surrender.\*

Under repression the influence of Congress has increased. Its outer manifestations may have been suppressed partially and in some areas totally, but its hold on the masses is as great as ever,† and when we were in India the popularity of Congress was growing.

There is, then, the last argument about facilitating the introduction of the new Constitution. Discontent, distrust and bitterness, extending to all classes, are rife all over India. Outside Congress circles the bitterness is even greater than within. The reforms, whatever they are in content, have a sinister background in all this ill-feeling in which they have little chance of success.

In the Legislatures this plea of making India safe for the coming Constitution was answered conclusively, though ineffectively. Sir Abdur Rahim enquired how the Government could in one breath speak of the Congress as the enemy of constitutional government and in the second argue for a measure which the Congress, when it came into power, used for its own purposes. Sir Hari Sing Gour told the Government that the new Government would deal with its problems in its own way.

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\* The Calcutta Congress confirmed Civil Disobedience and met in defiance of the Government. Over 2,500 people were arrested in March, 1933, on account of the Congress session.

† Cf. Viceroy's address to the Assembly on the 5th September, 1932.

Taking a long view of the matter, the repressive legislation which will still be in operation if the Constitution is inaugurated within three years is a bad beginning for popular Government.

In considering the results of the Ordinances on the public mind generally, the views of moderate and non-Congress public men may be taken as a sober estimate.

*Maulana Mohamed Shefni*, Moslem landholder, Allahabad :

"You may use my name. The villagers are being terrorised. In Fyzabad and through half another district Congress has not asked the villagers not to pay their revenue, but it is sheer impossibility for them to pay and yet they are being treated badly by the police."

*Hiralal Khamma*, Principal of B.N.S.D. College, Cawnpore, and *Mr. Ramashwar Prasad*, M.L.A., Cawnpore :

"The position has been worsened by the Government of India. The Moderates and Liberals have lost hope. It is impossible to accept the official statements about the handling of Civil Disobedience."

*Babu Bhagavan Das* (Hindu, Benares) :

"This is mis-government of India, I do not call it government."

*Jamshed Metha* (Parsi), Mayor of Karachi :

"How can the people of India be happy when thousands of men and women they revere are in prison for no other crime than desiring to be free."

*Hakim A. Alvi* (Moslem), Municipal Councillor, Karachi :

"The Viceroy's statement that conditions are 100 per cent. better and the people 100 per cent. happier under the present regime is 100 per cent. untrue."\*

*Chandreshwar Parasad Narayan Singh*, M.A., M.L.A., Chairman, District Board, and landowner, Muzaffarpur :†

"The punitive taxes on our villages are cruel and my board has opposed them. I also opposed in the Legislative Council."

*Rai Bahadur Dwarika Nath*, M.L.C., Bihar and Orissa :

"I am not Congress. I am a constitutionalist, but after twenty years in the Council I have come to the conclusion that the constitutional method has failed. We have opposed the Ordinances and the punitive taxes in the Legislative Council, but it makes no difference. The Police are the Government, and the Police are not protecting but robbing us. I am no *purdah* politician and you can use what I say."

*Mr. C. M. Gandhi*, pleader, M.L.C. from 1913-1919, Chairman, Retrenchment Committee, Excise Committee, member former Kaira Riots (Government) Tribunal :

"That is my official record, but because as a lawyer I defended

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\* See Interview with H.E. the Viceroy. (Chapter on Officials.)

† A District Board is the local government authority for a District.

a man against a charge under the Ordinances and secured his acquittal on appeal I had the C.I.D. placed at my door. There are no laws in this country to-day; only lawless law."

*Sir Tej Bahadur Sapru* :\*

"... the amount of dissatisfaction with the Government, the amount of discontent, the amount of bitterness in India in nearly every home, has been far greater than at any time within my experience."

In dealing with the results of the Ordinances we cannot omit to mention their effect on the Administrations. To the extent that the Government has made the suppression of political opposition the main concern, and is obliged to utilise its energy and resources for the purpose, other departments of Government's useful activity must have suffered. We were told in India that there was an increase in crime owing to the letting loose of criminals from the jails to make room for politicals, and also because the police had less time and energy to devote to crime detection and suppression. We have not verified this statement.

A District official in Gujerat, who claims to have stamped out the Civil Disobedience movement in his area, has no sympathy with the Indian Nationalist movement at all, and is quite obviously very much in favour with the Government, told us that one result of these Ordinances, and a bad one, was that it had made the District Superintendent of Police a power and almost a law unto himself, and had pushed the civil official, the District Magistrate, into the background.†

More regrettable than all this is the "Ordinance mind," which has become a trend of officialdom in India. Even those who know that evils and excesses are prevalent are uncritical of them; the authority and prestige of the official, large and small, override any other consideration; the feelings, and interests, much less the rights of the people, enter very little into official calculations. We would be justified in saying that the Ordinances have contributed to callousness, and connivance of misdeeds, even in the case of men who hold more progressive and liberal views than

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\* With the exception of the remarks of Sir Tej Bahadur Sapru, quoted above, all the statements here given were made to us in India.

† We are not publishing the names of friends who have expressed their views to us, except in such cases where we consider we are entitled to do so. (See Chapter on Officials.)

the rest of their colleagues. To the India of to-morrow and to the relations between Britain and India the "Ordinance mind" has been and continues to be a greater danger than many other elements in the Indian situation.

### **The Bengal Suppression of Terrorist Outrages Act.**

Some of the provisions of the "Bengal Suppression of Terrorist Outrages Act" are indistinguishable from martial law. Indians point out that martial law is followed by an inquiry and the officers have to obtain an indemnity afterwards for their acts, neither of which obtain under the Bengal Act.\*

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\* We have refrained, owing to exigencies of space, from discussing this measure in detail. The provisions of the Bengal Ordinances which this Act embodies in statutory form are dealt with elsewhere. A perusal of the debate in the Assembly Reports of December, 1932, above will give some idea of the working of the Ordinances in Bengal.



## CHAPTER VIII.

### THE CIVIL DISOBEDIENCE MOVEMENT.

"I believe that Civil Disobedience is not only the natural right of the people, especially when they have no effective voice in their own government, but that it is also an effective substitute for violence or armed rebellion. I can never, therefore, deny my creed."

(Mr. Gandhi in his telegram to the Viceroy,  
January 1, 1932.)

"The leaders of the Congress believe in what is generally known as direct action, which is an example of the application of the philosophy of force to the problems of politics."

"The fact that the force applied is as a rule not physical force, in no way alters the essential characteristic of the attitude which at the present moment inspires Congress policy."

(His Excellency the Viceroy in his address to the Indian  
Legislative Assembly on the 5th September, 1932.)

#### (I.) PREVIOUS CAMPAIGNS.

**T**HE name of Mr. Gandhi is identified with the Movement of non-violent passive resistance which is an integral feature of the Indian struggle to-day. Mr. Gandhi's own experience in South Africa, where he fought the South African Government with these methods, undergoing imprisonment several times for obtaining better conditions for his countrymen in the Union, has been often quoted as the historical ancestor of the Indian Movement.

We learnt from some of the elder politicians of the moderate school of thought that Civil Disobedience, as a method of agitation, had been considered by Mr. Gokhale and his colleagues in pre-war days, when, after the split at Surat, the Moderates had captured the Congress.\*

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\*The Congress session in 1909 was stormy. The left wing, led by the late Mr. Tilak, tried to capture the Congress, but were defeated by the Moderates, led by Mr. Gokhale. From that time till the outbreak of the war the moderates controlled the Congress. Mrs. Annie Besant entered the Indian political arena in 1913 and attempted to bring about a compromise. There was a united Congress, more or less, at Lucknow during the War. The Home Rule Movement led by Mrs. Besant brought the left wing and youth elements into the Congress fold. In 1919 another schism occurred, this time on the Montagu reforms. The left wing captured the Congress and the co-operation resolution was defeated with only three votes recorded in its favour. The Massacre of Amritsar, a few months earlier, had embittered the country. Mr. Gandhi's leadership of the Congress dates from that period. In a year's time he pledged the Congress to non-violent non-co-operation. The Moderates, who entered the Legislatures, were small in numbers and they are the Liberals of India to-day.

## The First Campaign.

Civil Disobedience, as a potent factor in Indian agitation, dates from 1920 and, since that time, in spite of setbacks and failures, it has never been discontinued or discarded. The "constitutional" Home Rule agitation of the war years, which surpassed in its vigour anything that India had known till then, resulted in the Montagu inquiry\* and the present Constitution. The grant of reforms was, however, preceded by the massacre at Amritsar,† and by the passage through the Legislatures of the Rowlatt Act,‡ in the face of determined and solid Indian opposition both in the Council and in the country.

The Rowlatt Act provoked civil disobedience, with Mr. Gandhi as its leader. It led to violence and was withdrawn. The Congress had rejected the Montagu Constitution as "disappointing, inadequate and unsatisfactory." The

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\* The Government of India invited Mr. Austen Chamberlain (Secretary of State for India) to go out to India and to inquire about conditions on the spot. The Home Rule agitation had goaded the Government into action, though the Minto-Morley reform councils had been established only five or six years before. Mr. Chamberlain resigned office after the famous Mesopotamian debate, and his place was taken by Mr. E. S. Montagu, who went out to India and conducted inquiries. Mr. Montagu's approach to the Indian problem has a very important bearing on modern Indian constitutional problems. Incidentally, his Indian Diary, published by his wife a couple of years ago, is perhaps the best thing written which can help towards the understanding of the Anglo-Indian official mind and ideas.

† At Jallianwalla Bagh a crowd had gathered in an open square. It was unarmed and consisted of men, women and children. The Regular Army were ordered to open fire into the crowd, which was within a walled space with only one entrance. There the soldiers were posted, and the gunfire was directed by British officers under the command of the late General Dyer. We visited the site of Jallianwalla Bagh, which is now a national memorial park, maintained by the people. The incident is burnt into the minds of the Indians and, even to-day, Jallianwalla day is celebrated all over India.

‡ The legislation known as the Rowlatt Act is really an amendment to the Criminal Law of India. Justice Rowlatt presided over a commission that inquired into Indian terrorism before the war; the legislation is regarded as having arisen from the findings of that committee. It was introduced in the last session of the pre-Montagu Legislatures. This accentuated the bitterness, and made the reforms even more suspect than they would otherwise have been. Indians were in solid opposition, but the Government's votes, which in those days were in the majority, carried the measure through, considerably amended as a result of nation-wide agitation:

Amritsar atrocities, followed by the appreciation of General Dyer's actions in Great Britain,\* and the Rowlatt Act, which made great inroads on liberty and armed the police and executive with wider powers, increased the feeling of bitterness. The Home-Rulers and Moderates threw in their lot with the new Constitution, while the Congress adopted the policy of non-co-operation, including civil disobedience.

The reasons for this change from "constitutional agitation" to "direct action," which was adopted by an overwhelming majority in open Congress, are given in Mr. Gandhi's own words thus: "In the year 1920, after being satisfied that no advance towards responsibility was to be had through mere negotiation, and in order to check the rising tide of terrorism on the part of the impatient youths of the country, the Congress decided to enter upon non-violent non-co-operation including civil disobedience and non-payment of taxation."†

### Discontent Grows.

Repressive measures were adopted by the Government and thousands were imprisoned. In 1922 there were outbreaks of violence, notably arson at Chauri Chaura, which led to Mr. Gandhi suspending the movement on the ground that the country was not ready for it. Congress from that time onwards divided its energies between the "constructive programme" and Swarajist obstruction in the Councils.‡ Attempts to negotiate with the British autho-

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\* General Dyer was presented with a sword of honour and a purse of approximately twenty thousand pounds raised by public subscription in this country. The House of Lords passed a resolution approving of his action.

† *India and the National Congress*, by M. K. Gandhi, published by The India League.

‡ A section of the Congress led by the late Mr. C. R. Das and Pandit Motilal Nehru persuaded the Congress to abandon the boycott of the Legislatures; they formed the Swarajist party which opposed the Government in the Legislatures. Mr. Gandhi and his close followers agreed to differ and confined themselves to the constructive programme. This group were called the "no-changers." The Swarajists left the Legislatures when Congress decided against participation with the Round-Table Conference in 1930 after abortive conversations between their leaders and Lord Irwin. The Round-Table idea was suggested by the Swarajist leader in 1923, but was not entertained by the Government of India of the day.

rities and to obtain reforms were continued but eventually proved fruitless. The Simon Commission increased the resentment ; its boycott resulted in official reprisals on the one hand and the Nehru Report on the other.\* Political awakening soon outstripped both the moderate proposals of the Nehru Report and the tamer methods of agitation. The Congress in 1929 proclaimed "independence" for India and authorised its executive to prepare a plan of resistance, including civil disobedience, and to call the country to action when the occasion demanded it.

The content of the non-co-operation programme has varied from time to time. In some aspects it is not confined to Congress and its allied groups. Indeed, in the face of provocation such as the Simon Commission even the right wing of the Moderate Party lined up as non-co-operators. The full programme of non-co-operation we heard spoken of in India as the "1921 programme."

### **The 1921 Programme.**

The "1921 programme" is still regarded by Congress stalwarts as the stage to be reached, and in Bengal, where we were at the time of the announcement of Mr. Gandhi's fast, the programme, we were told, was adopted as Congress policy ; it was put into action with the co-operation of the Khilafat movement with which Mr. Gandhi was in alliance at the time. "The 1921 programme" included:—

- (1) Voluntary giving up of all Government titles and honours.
- (2) Boycotting law courts by Congress and litigants.
- (3) Boycott of schools and colleges.
- (4) Boycott of British goods.
- (5) Withdrawal from Government service.
- (6) Withdrawal of men from the Army and Police.

The programme was widely propagated ; leading Congressmen, like Mr. C. R. Das and Pundit Motilal Nehru,

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\* The Nehru report was the result of protracted deliberations by the All-Parties Conference initiated by the Congress. Its principal authors were Sir Tej Bahadur Sapru and the late Pundit Motilal Nehru. It was a plan for Dominion status with transitional safeguards for British India ; the union with princes was discussed but was left as belonging to a later stage in constitutional development ; the scheme, however, contained an enabling clause which provided for the entry of Indian States into a federation after qualifying themselves for it.

gave up their large practices at the Bar, and nearly thirty thousand students left schools. The Police and the Army programme was not actually begun. Side by side with this there was the constructive programme of rural reconstruction, abolition of untouchability, *swadeshi*\* and propaganda for self-government.

Civil Disobedience is often spoken of as lawlessness. Inasmuch as it is defiance of existing law it is "lawless." But it would be a gross misrepresentation to describe the Civil Disobedience campaign as a movement which lets loose lawless people on society; a campaign in which everybody was asked to do as they pleased. Still more would it be grotesque to describe it as an encouragement to violence, crime or licence. Civil resisters do not go about breaking laws as they please, nor interfering with the liberty of others. Civil Disobedience is a form of direct action against the Government of the day. Its moral basis is that law in India is not based on consent; its administration is under alien direction; and its ends are not determined by Indian wills or purposes. Civil Disobedience thus becomes both a moral protest and a weapon of attack on the present system of administration.

### **The 1930 Movement.**

In 1930 non-co-operation reappeared, with Mr. Gandhi again as leader. The "*Swarajists*," whose counsels had previously prevailed in the Congress, confessed disillusionment, and the futility of the British-created Legislatures once again became part of the Congress gospel. This time, however, disobedience of laws was the principal element. It was combined with boycott of foreign goods, principally cloth, and the propagation of indigenous industries.

After the breakdown of the conversations between Lord Irwin and Mr. Gandhi and Pundit Nehru in the early part of 1930, and the declaration of Independence by the Lahore Congress on the 26th January, 1930, the Congress Executive authorised Civil Disobedience. It opened with the march led by Mr. Gandhi to Dandi on the 12th March, 1930, to inaugurate the breach of the Salt Laws. The items in the programme included :—

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\* The use of Indian goods.

- (1) Breaking of the Salt Law.\*
- (2) Boycott of foreign cloth.
- (3) Non-payment of land revenue and rent in specified areas.
- (4) Breach of the forest laws.
- (5) Boycott of British goods, banks, shipping, insurance and other concerns.
- (6) Boycott of liquor and opium.

The challenge of the Nationalist Movement was met by all the force and coercive power of the Government; by ruthless repression, which included lathi charges, firing on unarmed crowds, ill-treatment of women, cruelties in jails and confiscation of property.\* In March of the following year, after the first Round-Table Conference, the Irwin-Gandhi conversations resulted in the Delhi Truce.

## (II.) THE CIVIL DISOBEDIENCE MOVEMENT OF 1932.

Reference has been made elsewhere to the events of the Truce period, the participation of Congress and its allies in the Round-Table Conference, and the return of Mr. Gandhi to India, where he was faced with an unexpected situation which culminated in the Congress Resolution on Civil Disobedience, and the promulgation of the All-India Ordinances.

This takes us to the Civil Disobedience Movement of 1932. The resolution† passed by the Congress Working Committee at Bombay on the 1st January, 1932, specified the way in which Civil Disobedience was to be carried on if the Delhi Truce should come to an end owing to the Gandhi-Willingdon correspondence proving abortive. The Congress resolution said :—

“In the event of a satisfactory response not forthcoming the Committee calls upon the nation to resume Civil Disobedience under the following conditions and illustrative heads :—

“No Province or district or ‘tehsil’ or village is bound to take up Civil Disobedience unless the people thereof understand the non-violent nature of the struggle with all its implications and are ready to undergo suffering involving loss of life and

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\* See chapters on The Indian Village, The Indian Police, and The North-West Frontier Province.

† The Viceroy regarded the resolution as a threat to the Government, which, in his view, had to be met with firmness and determination.

property. Non-violence must be observed in thought, word and deed, in the face of the gravest provocation.

"Social boycott with the intention of inflicting injury on Government officers, police or anti-nationalists should not be undertaken as it is wholly inconsistent with the spirit of non-violence. It should be borne in mind that non-violent campaigns are independent of pecuniary assistance and therefore there should be no hired volunteers (but their bare maintenance may be arranged). The maintenance of dependants of poor men and women who might have been imprisoned or killed is permissible wherever it is possible.

"Boycott of all foreign cloth, whether British or of other countries, is obligatory, under all circumstances. All Congressmen and women are expected to use handspun and handwoven Khaddar to the exclusion even of all cloth manufactured in indigenous mills.

"Picketing of liquor shops and foreign cloth shops should be vigorously conducted, chiefly by women, but always so as to ensure perfect non-violence.

"Unlicensed manufacture and collection of salt should be resumed. If processions and demonstrations are organised, only those should join them who will stand lathi charges or bullets without moving from their respective places. Even in a non-violent war, the boycott of goods manufactured by an oppressor is perfectly lawful inasmuch as it is never the duty of the victim to promote or retain commercial relations with the oppressor. Therefore the boycott of British goods and British concerns should be resumed and vigorously prosecuted.

"The civil breach of non-moral laws and of laws and orders injurious to the people—wherever it is considered possible and advisable—may be practised. All important orders issued under the Ordinances may civilly be disobeyed."

### **The Disobedience Programme.**

Following the breakdown of negotiations and the imprisonment of Mr. Gandhi, the resolution of the Congress Committee became operative.\* Disobedience of laws was rendered easier, and in many instances incumbent even on those outside Congress ranks, owing to the Ordinances which substituted official caprice for law. The activities of the resisters included†:—

- (1) Leading processions in contravention of police orders and prohibitory notices.

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\*The Working Committee's resolution as it stood was only a declaration of policy, necessitated firstly by the Congress ideology which demands that no offensive shall be launched without giving notice to the enemy, and secondly, in view of the rumours prevalent, because the Committee felt they would perhaps not have another opportunity to meet.

† The actual working of these is discussed elsewhere in these pages.

- (2) Holding public meetings and conferences in spite of bans imposed on them.
- (3) Picketing and boycotting of British goods, banks, insurance companies, mints and bullion exchanges.
- (4) Issuing unauthorised bulletins and cyclostyle leaflets and distributing them among the people.
- (5) Conducting propaganda for the boycott of posts and telegraphs, railways, trams, etc., etc.
- (6) Saluting the national flag in public and hoisting it over civil and criminal courts and public buildings.
- (7) Withholding of land revenue and chaukidari tax.
- (8) Violating restraint orders and refusing to be on police parole.
- (9) Attempting to re-occupy Congress offices taken possession of by the police.
- (10) Manufacturing salt; and so on.

In addition to these activities, which formed the regular day to day features of the resistance movement and were under local direction, the Working Committee of the Congress\* planned and organised campaigns of an All-India character. Among these may be mentioned the celebration of the National Week, from April 6th to 13th,† and the holding of the Annual Session of the Congress at Delhi, despite the police ban and the strictest surveillance. It was followed by political conferences all over the country, and the celebration of special "days" like the All-India Prisoners' Day, Peshawar Day, etc.

### **The Banned Congress Session.**

During our stay in Delhi we heard both the Indian and the official side of the holding of the Congress session at Delhi (1932). One of the principal officials‡ in Delhi, whom we met, talked to us about the banned session and how the prohibition was successful. His version contradicted the information given us by every Indian with whom we discussed the topic. These latter included lawyers,

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\* The Working Committee is now an illegal organisation.

† In commemoration of the massacre at Amritsar, 1919.

‡ The official in question was a comparatively liberal-minded gentleman and occupies a position of responsibility for the administration of Delhi, which has a government of its own under a chief Commissioner without a legislature. There are municipalities in the area and New Delhi is under the Government of India.



doctors and journalists, some of whom were not Congressmen. We did not have an opportunity to obtain the police version of the incidents.

According to the press reports of the time and the Indian version, the 47th session of the Congress was held. Indians regard it a point of honour that there should be no break in the continuity of the annual meetings of the Congress. The agenda had been circulated on March 28th, 1932, and it included a presidential address by Pundit Malaviya. This was not delivered at the session which met on the 24th April. The Pundit was served with an order on the 22nd April, at the entrance to Delhi at Jumna Bridge, prohibiting the entry of himself and his party into Delhi. The order was disobeyed and the president-elect was placed under arrest and taken to the Central Jail in a lorry.

On the 23rd April the Subjects Committee of the Congress met, in spite of police vigilance, and the arrests of delegates at all railway stations and many private houses. Five resolutions were drafted by the committee and circulated among the delegates for signature. The next day, the 24th, was to be the "open session" of Congress. There was a *hartal*\* in the city in spite of police orders; and police, mounted, foot and armed, and in lorries patrolled the town. It was early in the morning. While the police were still combing out houses and scouring premises of all kinds, such of the delegates as were not already arrested gathered at the clock tower in the Chandni Chowk, and an Ahmedabad delegate who had an order served on him not to leave Ahmedabad, but was in Delhi all the same, officiated as chairman.

The circulated resolutions of the Subjects Committee were moved and adopted. They referred to the imprisonment of the Congressmen and leaders, confirmed the Karachi resolution on independence, the leadership of Gandhi and the Civil Disobedience programme issued by the Working Committee in January. The delegates had printed copies of resolutions which were read aloud by all in unison. The session lasted only ten minutes. The police on the spot were, according to press reports, obviously taken by surprise; before the police lorries arrived the session was over.

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\* *Hartal* means suspension of all business; shops are closed and there is what corresponds to a holiday appearance in the cities on *Hartal* days.

The president and the delegates who had gathered were arrested and taken into custody. Following this batches of delegates presented themselves for arrest, including a batch of 80 Sikhs. The processions were continued in the afternoon and late evening. They were dispersed by *lathi* charges and the delegates taken into custody. The total arrests of the day mounted up to 800. Most of the delegates arrested were released; prosecutions were launched against a few.\* Pundit Malaviya was released on May 1.

Similar gatherings followed all over India; many of these took place while we were in India.

The account we have given shows that the action taken by the Government only succeeded in preventing deliberation. It did not alter decisions nor the defiance of Congressmen; on the other hand it has driven moderate men like Pundit Malaviya into an insistence on Civil Disobedience.† Our object in giving this description, brief as it is, is to give our readers an impression of the way in which the resistance programme is carried out and how the Government's policy is driving it underground, but not killing it.

On his release from prison the Pundit Malaviya, as President-Designate of the 47th session of the Congress, issued the following statement on May 2nd, 1932 :

"The Congress had thrown out a bold challenge to the Government when it decided to hold its 47th session in Delhi in the circumstances existing in the country. Sir Samuel Hoare and Lord Willingdon's Government have been trying for some time past to persuade the British public and the civilised world generally that the measures adopted by the British Government in India to crush the Congress movement had succeeded. If their statement were true, one should have expected that few Congressmen would come forward to attend the Congress at Delhi. But the fact that in spite of all the preventive measures taken by the Government about 1,500 delegates managed to reach Delhi and that many more

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\* The officiating president, the delegate from Ahmedabad, was tried at Ahmedabad on May 21st, under the Ordinances, and sentenced to nine months rigorous imprisonment and Rs. 5,000 fine. This gentleman took no part in the defence beyond challenging the prosecution to produce in court a written undertaking which the police alleged he had signed. The document in question was not forthcoming.

† We found Pundit Malaviya, all his life a believer in Dominion Status, and a man of the mildest disposition, very embittered by Lord Willingdon's policy of riding roughshod over every kind of opinion opposed to the Government and by police cruelties and official excesses. To-day the venerable Pundit is almost as sure as the young men that Britain does not want peace.

were prevented from going there by the numerous arrests of those who were proceeding to Delhi, shows how deeply the Congress is rooted in the affections of the people and how futile must be the endeavour of even so mighty a Government as the British Government to crush the movement for which this great national organisation stands. It is very much to be hoped that the Government will profit by this experience and instead of persisting in the policy of repression will retrace their steps."

### (III.) THE APPEAL OF THE MOVEMENT.

Those taking part in the Civil Disobedience Movement fall roughly into four categories: (1) the Peasantry; (2) Youth; (3) Gandhians; and (4) Others.

The peasants' disobedience has taken the form of non-payment of rents and taxes and breach of the Forest laws. To a lesser extent general Congress propaganda and demonstrations and Congress celebrations also obtain. The background of peasant discontent and the consequent revolt\* is in the main agrarian. The adoption of particular methods and the growth of agitation is no doubt due to the leadership offered by Mr. Gandhi and the Congress. There is no marked division between the two latter, but it would be true to say that the Gandhian element is a larger factor in Gujerat, while the Congress element, the economic and political factors loom larger in the United Provinces, Bengal and Bihar. In the peasant agitation both men and women participate actively and it has thrown up its own unlettered rural leaders, the larger number of whom have been imprisoned.†

The non-violent doctrine has a complete hold on the peasantry, who have shown an amazing tenacity in the face of cruel and persistent repression, often far in excess of the needs of law or administration.

The majority of the leaders of the Indian Youth Movement were in jail when we were in India. Our impression is that the student class have participated in the campaign to a lesser extent in 1932 than in 1930. There is an increasing distrust in the minds of the youth of India about the methods of non-violence and even the approach of the *swaraj* problem as made by the elders. In certain parts of India, and amongst a certain section, there is the feeling,

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\* It was called a revolt by the United Provinces Government.

† This topic is dealt with in greater detail in the chapter on villages

rarely expressed, that the present fight does not deal sufficiently with realities, that the sacrifices made on its behalf are irrational and disproportionate to results. The comparative apathy of youth is more the result of the pacific inclinations of Congress and has its basis in the fear that the fight is still in the hands of those who would accept compromises and who are still believers in partnership with Great Britain. Advocates of revolutionary methods are, however, few, though the execution of Bhagat Singh\* in 1931 has embittered all.

The Gandhians religiously and scrupulously follow the Mahatma ; at any rate, they endeavour to do so. The *Ashrams* are in the main manned by this group, and these seminaries are both their training ground and monastery. With them the political *swaraj* is part of a view of life. The more metaphysical would stretch the term "*swaraj*" to mean not merely political self-rule but the control of the Self. The Gandhians are now most active in the cause of the removal of Untouchability. In many cases they are the rudder of a local organisation ; in others they are the shock troops. In urban areas one often senses the conflicts between the Gandhians and the more youthful rationalist elements, and the clash between their political objectives and spiritual or allied persuasions. The Gandhians have, however, contributed to Congress work, by example, simplicity in personal life, the idea of going out to the people and being one with them, and by the tradition of hard work day in and day out. In matters of policy they will stand by the Mahatma a hundred per cent. and they strictly adhere to the course of discipline that he has laid down, whether they are in *Ashrams*, villages or jails.†

"Others" are a miscellaneous class. They are attracted and often forced into the movement for different reasons. The loyalty to the Congress far outruns its organisational

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\* Bhagat Singh, who was executed in 1931, in spite of appeals for mercy by Gandhi and public protests all over India, is the martyr in the eyes of young India, especially those who are not fully of the Gandhian persuasion. Bhagat Singh threatens to become the symbol of a cult in India.

† This statement is not to be taken to mean that none of the Gandhians ever depart from the discipline or that they always achieve all they profess. The statement, however, is in the main true to fact. In the Gandhi *Ashrams* some of the disciples prepare for the hardships of jail life.

limits. Police excesses, ill-treatment of relatives, the spectacle of a *lathi* charge, the attacks on crowds, the service of a prohibitory order, often drive a non-Congressman into the Congress fold. The imprisonment, assault or arrest of women members of the family have not been the least important of the recruiting agents for the Civil Disobedience movement. It would, perhaps, be useful to mention that among the professed adherents of Civil Disobedience are quite an appreciable number of police spies, informers and agents provocateurs.

#### (IV.) DISCIPLINE AND LEADERSHIP.

The instructions for the 1932 Civil Disobedience activities are contained in the Congress Working Committee's resolution of January, 1932. The suddenness of the conflict made plans and elaborate instructions impossible. The resolution laid stress on non-violence and made its acceptance and observance a condition precedent to the adoption of the Civil Disobedience programme by any territorial area.

The general discipline for civil resisters had been laid down by Mr. Gandhi in 1930, when he was empowered by resolution of the Working Committee of Congress in February, 1930, "to start Civil Disobedience as and when they" (Mr. Gandhi and "those working with him") "desire and in the manner and to the extent they decide."

Mr. Gandhi's rules for civil resisters are given in the *Young India* of February 27th, 1930, and have not been altered since.

#### **General Rules.**

Those joining in the struggle are enjoined not to harbour anger but to suffer it from the opponent, to submit to assaults without retaliation, and to submit to arrest and deprivation of goods, but to refuse to surrender trust property, without retaliation. They are not to salute the Union Jack. They should not insult officials but submit to insults and protect officials from the insults of others. As prisoners they were enjoined to observe all rules of the prison which are not contrary to self-respect; as, for instance, whilst they will salaam\* officials in the usual manner,

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\* See footnote on page 85.

but "he will not perform any humiliating gyrations and will refuse to shout victory to Sarkar (*Sarkar Salaam*)\* or the like."

### **Food.**

He is asked to take food which is cooked and served cleanly, but to refuse to take food "insultingly served or served in unclean vessels." He must identify himself with the lot of the common prisoner and ask no privilege nor must he protest by hunger strikes against restrictions which are not against self-respect.

### **Rank and File Discipline.**

As a volunteer he must render obedience to the leader of the corps even if the orders appear "insulting, uncivil or foolish." He may appeal to a higher authority afterwards. He may leave a corps if it appears to him to be engaged in "improper or immoral" activity, but while in it he must obey orders and maintain discipline. He may not expect any maintenance for his dependents, whom he should entrust to "the care of God."

### **Communal Fights.**

No civil resister should take sides in, much less cause, a communal quarrel, but he will assist, whichever party is demonstrably in the right, by giving his life to protect the aggrieved. No civil disobedience procession should do anything, nor should a volunteer participate in anything, likely to wound religious susceptibilities.

### **Basis of Loyalty.**

Civil Disobedience activities and conduct are planned on the basis of the formula laid down by its leader, though it would be inaccurate to say that in a mass movement everyone engaged in it is a strict follower of the discipline. Young men chafe against parts of it, but the essential principle of non-violent resistance is observed. The way in which the code of conduct has been simplified and made a

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\**Sarkar Salaam* is part of the Indian jail discipline and is the cause of much ill-treatment in prison. We learned that it is used for the purpose of humiliating prisoners who have to sit down on their haunches and put up both their hands. The act is an exaction of homage to the Government and apparently enforced with a vengeance on political prisoners. The words literally mean "salute the Government."

matter of individual observance has not been a small factor in enabling the resistance movement to carry on, while its leadership has been skimmed off and put into jail.

### **The Government Version.**

The adhesion of the body of volunteers to the strenuous demands of the struggle arises out of their spontaneous loyalty to Congress. It is not unusual for officials (everywhere in India) to talk of the four anna\* hirelings of the Congress and to suggest that the struggle of the resistance movement depends on a body of hired hooligans. This is far from the truth. In some areas volunteers are given food and have a camp house of some sort; in other places they are made a small allowance for the purpose. Considering that these men come from their villages or have left their houses and are full-time workers for the Congress, this is not an unreasonable arrangement. If the official contention, that men would submit themselves to beating and worse and go to jail for twelve or eighteen months for four annas a day, is true, it must be concluded that people are prepared to serve and suffer in the Congress cause at grave risk to themselves for very little remuneration! The alternative inference is that normal conditions in India are so bad that people prefer the penalties attaching to civil disobedience to their normal lives in the villages or towns.

The "four anna hireling" story repeated by officials all over India is ludicrous. These "hirelings" include some of the finest men and women of India, who, in many cases, have sacrificed their careers in the cause of their country. It is this same devotion that cements together the civil disobedience army in the face of all the difficulties which impede organisation.

### **Youth at the Helm.**

The arrest of all the well-known national leaders, almost in the first few weeks of the Ordinances, threw the conduct of the movement into the hands of young men, in many areas, and to a certain extent affected its course. These leaders have not openly or expressly broken the civil disobedience code, and in some instances, as in the case of the social boycott, have even adhered to it though all

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\* An anna is just over a penny.

the time chafing against it. But practically the whole of the methodology of the movement has been developed by them and in some respects it departs from the course which Gandhi has laid down and which he regards as vital. It would, however, be a mistake to look on this as a lapse. It is rather the adoption of methods which, while in the main in conformity with Mr. Gandhi's leadership, are more suitable to the militant mood of the soldier in the battle.

#### (V.) THE CONSEQUENCES OF REPRESSION.

Ranged against the tenacity of purpose and the force of moral discipline of Civil Disobedience is the power of "law and order." The avowed policy of the Government, to which we have referred elsewhere, is to break, discredit and uproot the whole conception of this mode of agitation.\* In the parlance of the Government it is not a mode of agitation but an attitude and conduct that is subversive to all social order. Pitted against the superior power of the Government, disorganisation and fear and consequent demoralisation have set in. The Congress still fights; it is still the strongest political force, apart from the Government; it is by far the strongest moral force in the country. No one in India, or anywhere else, argues that in this pitched battle between Government and people the latter can gain the victory of the battle itself. The impact of the repression staggered the nationalist forces; that it survives, after over a year of incessant battle, is an index of the strength of the opposition and of the volume of discontent.

The driving of this movement underground, even if it be accomplished, is an achievement on which this country or the Government of India can hardly congratulate itself, for it is accomplished by the ruination of the country economically, the breaking of the spirit of the finest body of men and women in India and by turning the current of national resistance into other, perhaps much more formidable, but certainly less desirable, channels.

In short, the suppression of passive resistance is not a conquest of resistance, and it is not a victory for peace. It may serve to end the faith of the people in non-violence, but it will not make India more tolerant of Britain or more ready to acquiesce in subjection.

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\* See official speeches in the Assembly during the debate on the Ordinance Bill, 1932.



## CHAPTER IX.

### THE CONGRESS.

"The Congress is an extensive organisation which commands, even outside its own ranks, a certain degree of sympathy among many of the educated classes. It is still pledged to the policy of civil disobedience, and is doing what it can to maintain the struggle."

(The Viceroy ; Address to the Legislature,  
5th September, 1932.)

"... I want you to understand that as far as Congress is concerned, although I differ radically from the Congress in regard to some methods of its work, the Congress is still a power. It has captured the imagination. Whether it should have or whether it should not have is a different question. I am stating a fact, and this political sentiment, let me tell you, is not confined to the intellectual classes. It has spread into the innermost recesses of the villages."

(Sir Tej Bahadur Sapru, speaking in London  
on the 23rd December, 1932.)

"It (the Congress) is determined to inflict untold harm on the country in the pursuit of a position of domination which whole classes of the people will not accept. It persists in methods which, if successful, would uproot the foundations of all Government and would render impossible any system of orderly administration now and in the future."

(From the statement issued by the Government  
of India on the 4th January, 1932.)

#### (I) EXTENT AND ORGANISATION.

**T**HERE are several organisations in India whose main object (or one of them) is self-government. Some of these, like the Moslem leagues, the Sikh League, the Hindu Mahasabha, the South Indian Liberal Federation and the Depressed Classes associations, however, lay special emphasis on the status and rights of groups and communities in the present polity of India or in a regime of *Swaraj*. The two organisations which may be called "National" in that they are both All-India and Indian (as distinct from community or section) are the Congress and the Liberal Federation (the organisation of the Indian moderates).

Each of these organisations plays its own part in the life of modern India. To give the Congress the pre-eminent place, as the best organised, the most widespread

and the most powerful movement in India, is not to minimise the importance of sectional interests, but merely to state facts as they obtain to-day. The Government in India and H.M. Government here, constantly decry the representative character and the predominant influence of Congress, though in fact they frequently admit it.

The speeches made by the delegates of the First Round-Table Conference, many of them political opponents of the Congress, the negotiations between the Indian Government and the Congress which culminated in the Delhi Pact during Lord Irwin's Viceroyalty, the Simla Agreement, reached by Lord Willingdon, and the mobilisation of the whole might of the British *Raj* in India to fight the Congress, are sufficient indication of its importance.

The Congress is not only an *organisation*; in spite of severe repression, it is still the best organised body in India; it is a *movement* which is not limited by the political demands expressed in resolutions and formulæ. The Congress, and what it stands for, finds a response to-day in the hearts of the villagers, the humble town dwellers, the professional classes and the intellectuals. There are conflicts of views and ideologies within it, but it has succeeded in obtaining the acceptance of a general sense of discipline and loyalty to it, which enable it to be a potent machine in the struggle for national independence and mass awakening. Its activities are both agitative and constructive.

### Origin and Character.

Started\* as an annual meeting of upper class intellectuals for the demand of administrative reforms, it grew into a national Institution† which, a quarter of a century ago,

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\*The first session of the Indian National Congress was held in the Christmas week of 1885 in Bombay. It was conceived and organised by Indians. Englishmen, like Mr. A. O. Hume and Sir William Wedderburn, were among its friends and supporters. British opinion was from the beginning hostile to the movement. (See the comment of the Bombay correspondent of the *Times*, 28th December, 1885.)

† In less than a couple of years official suspicion and hostility to the Congress was unconcealed. The Viceroy, the Marquis of Dufferin (1884-1888) attacked it in a speech, charged it with sedition and sneered at the "microscopic minority." At the next session of the Congress, held at Allahabad, 1,248 delegates attended out of the 1,500 elected. Three million people were concerned in their election.

formulated its demand as *Swaraj*.\* The content of *Swaraj* has undergone change, as has the control and outlook of the Congress movement. During the last decade the Congress built up a country-wide organisation and machinery for agitation, propaganda and constructive work, using the skeleton organisation and, what is more important, the prestige of the old Congress. Its arm now stretches out into several hundred thousand remote villages,† where its followers and sympathisers run into millions.

"Any Indian adult male or female above the age of eighteen years can become a member of the Congress organisation by signing its creed and by paying four annas per year, or by spinning 2,000 yards of yarn out of cotton supplied by a Congress committee. Thus there is practically adult suffrage. It has committees and sub-committees throughout the land and has several million members on its roll. It exercises influence on untold millions. These members are drawn from all classes. It holds an annual session at some important centre in India, and this is attended by thousands of visitors. The Delegation is restricted to 6,000, the delegates being chosen by the vote of the people. Its administration is carried on through provincial organisations, and through the All-India Congress Committee consisting of 350 members, and a Working Committee consisting of 15 members, elected from the members of the All-India Congress Committee. The Working Committee may be somewhat likened to the British Cabinet. It is elected annually."‡

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\* The demand for *Swaraj*, self-government, as different from piecemeal reform, was made by Dadhabhai Naoroji as President of the Congress in 1906. Dadhabhai Naoroji died in 1914. He was a Parsee and the first Indian to sit in the British House of Commons. He said: "India's claim was comprised in one word, self-government, or *Swaraj*, like the United Kingdom or the Colonies."

† Sir Samuel Hoare said in the House of Commons that nine out of ten villages have taken no interest in the Civil Disobedience movement. (Hansard, col. 1495, 27th June, 1932.) This official estimate concedes that ten per cent. of the villages are influenced by Congress. There are 500,000 villages in British India and 50,000 of them are thus admitted to be affected. Even if a hundred people in each of these villages are behind Congress it makes a total of five millions. In actual fact, however, the Congress movement is very much more widespread than is implied in the Secretary of State's speech.

‡ *India and the National Congress* by M. K. Gandhi (1931). Published by The India League.

While in normal times this organisation functions with regularity, and provincial, district, taluk\* and village conferences take place, and tactics and action are deliberated upon, the Ordinances, however, have declared all these committees illegal. The Congress itself is not declared unlawful, but its Working Committee, the All-India Congress Committee, and all Provincial, Divisional and Sub-divisional executives, right down to the lowest, have been declared unlawful. Yet the Congress functions and this in itself is the gravest challenge that it has offered to the British Raj.

The executive head of the Congress to-day is the Acting-President of the time.† The Acting Secretaries and a permanent secretariat, of which little is generally known, run the machine and maintain the continuity of the work. By resolution of the Working Committee, the powers of the Congress are vested in the Acting President, since the Committee itself is not able to meet, and work must be carried on. Each Acting President nominates his successor, sometimes two or three of them, as soon as he assumes office, to take his place when he is arrested. Thus, in spite of bans, prohibitions and arrests, there is someone at the helm. Behind and hidden away from publicity are men who keep things going. There is nothing sinister about this arrangement. Repression has, of necessity, driven part of the movement underground. When members of the Working Committee, or some of them, are outside prison, they hold meetings and consultations, all of which are illegal.

In the provinces, the arrangements for organisation vary. Generally, the Provincial Committee has "Dictators" who appoint their successors or, as in Bombay City, there are Emergency Councils, which lead the processions or otherwise defy the law and are arrested, to be followed by others. The maintenance of the boycott and the carrying out of

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\*Taluk or Taluka is an administrative sub-division of the district generally based on pre-British boundaries.

†The President of the Congress is elected by the majority vote of the Provincial organisations. He presides over the Annual Session and holds office for the following twelve months. Under the Ordinances the permanent president (Vallabhai Patel in 1932, and Jawaharlal Nehru in 1930) spent the year in prison. They nominated a deputy before imprisonment who became the Acting President on each occasion.

the rest of the programme, however, requires, in addition, men and women who are content to play less heroic roles, and they are to be found in every province, in appreciable numbers.

### **The Volunteer Movement.**

The Congress has its volunteer movement. In some localities it is very well organised with headquarters which the police often raid, either when some police spy who has joined the ranks of Congress has given information or when some Congressman has been indiscreet. The volunteers, however, though smaller in number this time than last,\* are well-organised and are under discipline. They are unafraid, and the story which every Government official trots out of the "four anna hireling" is unfounded. In these volunteer camps the work of propaganda is organised and allotted. The premises used are often private houses, and owners run great risk in permitting their use, but Congress is able to obtain such places, in most cases without payment.

### **News Service.**

Newspapers are not allowed to print Congress programmes, manifestos or announcements. Bulletins which are illegal are published and sold in thousands every day in the cities and towns of India. Though the possession of these cyclostyled sheets, in itself an offence, is punishable with imprisonment, people buy them and help in their distribution. The production, editing and duplication are all offences, but the bulletins continue to be produced,†

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\* In 1930 the Congress demonstrations were more massive in character. There is no doubt that the volunteer organisation was larger. Critics of Congress say that the funds at the disposal of Congress in those days enabled the keeping up of the "army." In 1932, owing to the severity of the repression and the heavy penalties to which those suspected of paying money to the Congress are liable, together with the sequestration of funds and examination of private accounts, Congress resources shrunk. This fact must no doubt have affected the size of volunteer bodies in cities like Bombay.

† A high police official in a Presidency town told us that he would be lost without the bulletins, as they were his best means of knowing what the Congress was going to do. Often these bulletins, we were told, have been produced in running motor cars, to avoid raids of premises.

despite police surveillance and penalties. In these bulletins the Congress organisations notify the Government of their programme of disobedience, it being part of Congress ideology that the enemy should have notice of every move.

Censorship, interception and confiscation, of correspondence has resulted in the maintenance of a private postal service, which Congress officials use, to maintain contact between each other and headquarters, and to disseminate information. The carrying of letters in this way is illegal and renders the person concerned liable to imprisonment. There is no written record of the names of the members of this postal service of which the police may obtain possession in a raid; the Indian's power of memory serves him in good stead. In addition to this, owing to the amount of moral support and sympathy which members of the public give to the movement and its activities, transmission of letters through the general post office is rendered possible through unsuspected channels and no amount of police espionage has been able to stop this.

Congress propaganda is disseminated by word of mouth in the villages, in song and story. In Bombay the Provincial Congress Committee broadcasts its messages and its appeals on the wireless twice each week from a private station. Such transmission is subject to a penalty of seven years' imprisonment. The Bombay police prosecuted some persons on charges of suspicion of complicity in this and obtained the conviction of others under the cat and mouse procedure,\* but on that very evening the broadcasting station was working. Till the time we left India the Congress broadcasting station was in service.

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\* The police have power to arrest anyone on suspicion and detain them for a fortnight in custody. The period of detention may be extended to two months by permission of the Local Government. After the period they may be discharged unconditionally or ordered to report to the police every day or several times a day. No Congressman, and not many others, accept this condition, which Indians regard as an affront to their self-respect. Failure to report is an offence for which a prosecution is launched and usually results in imprisonment for eighteen months. In practice, this procedure is merely a way of creating an offence to send certain people to prison. It has been the subject of appeals, protest and condemnation from moderate men.

## Women.

Any sketch of the Congress of to-day would be incomplete without referring to the part played by women in the movement. The women of India have faced *lathi* charges, beatings, imprisonment, ill-treatment and insults with admirable courage, and are in a very real sense in the fight. The picketing of the Bombay Cloth Market has been in the hands of women workers whose Association is an unlawful body, but which meets just the same. They have rendered the loyalty of men to the Congress easier by their own willing participation in Congress activity. Women occupy positions of great responsibility in the movement. Apart from well-known national leaders, like Mrs. Sarojini Naidu or Mrs. Kamala Nehru, there are hundreds of women who direct, with great ability, the activities of the Congress in local areas.

## Congress Funds.

Congress is financed entirely by Indian money. We were told in India that Mr. Gandhi had declined to accept offers of assistance made to him by friends abroad. The All-India office has finances of its own, but the greater part of Congress activity which is carried on in the provinces and districts is financed locally. Congress funds are liable to be seized and if the authorities can lay their hands on any money suspected of being available for Congress purposes it is also seized. Similarly, persons who subscribe to Congress funds are liable to penalties, including seizure or confiscation of all their property. Banks may be called upon to furnish information about anyone's account, and any person can be called upon to allow his books to be examined. The flow of funds into Congress has been severely restricted for these reasons; and this applies particularly to supplies from men who are not members of the Congress, but who, as members of the public, assisted, financially, the previous Civil Disobedience movement. The dearth of funds, which the authorities thought would kill the Congress, has not had that result; it has, however, led to a change of Congress tactics and confined the movement, in its active aspects, to the most militant. In India it appears to be possible to accomplish a great deal of work without vast funds. The extreme self-sacrifice, the Spartan

simplicity of Congress workers,\* and their very limited wants render large scale propaganda possible even when funds are limited. Also, public support, both open and otherwise, make up for the inadequacy of actual finance. The work of the Congress that counts, the labour of the army of volunteers, the loyalty of the masses, the allegiance of the key men to their tasks and to Congress solidarity, are all unrelated to the amount of money which the Congress movement possesses or can obtain. In India these movements appear to be run in a way quite different from that of western countries.†

### Leadership.

The political leadership of the Congress to-day rests with two men, Mr. Gandhi and Pundit Jawaharlal Nehru. The Red Shirts stand by Abdul Ghaffar Khan to a man. In spite of the temperamental and ideological differences of these three personalities they stand united in the movement of resistance.‡

Leadership is still with these three though they are in prison.§ No decision on policy will ever be taken without their assent, which means that the policy laid down by the Working Committee in January, 1932, must continue until the leaders are free to discuss and decide.|| Mr. Gandhi, who, no doubt, is the most dominant personality in Congress and in India, will not issue any direction or make any decisions on Congress policy, so long as he remains a prisoner, and until he has consulted his colleagues

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\* We refer to the bulk of Congress workers drawn from all ranks of society and all creeds.

† The way in which the C.D. movement was inaugurated in 1931 is an example of the Indian way. The Salt Law breach campaign was not planned ahead, no scheme had been mapped out and no monster effort was launched as an opening of the campaign. It grew out of the Dandi march when Mr. Gandhi led 72 men through the villages of his native Gujarat to the Salt area of Dandi.

‡ In the section on policies and tendencies we have discussed the differences of viewpoints in the Congress which is evidence of the dynamic character of the movement.

§ Mr. Gandhi and Pundit Nehru are now out of prison (Oct., 1933.)

|| Any change in the present Congress policy has of necessity to be preceded by unconditional release of these leaders.



of the Working Committee.\* Another person who is a household name in Gujerat is Sirdar Vallabhai Patel. He is a close disciple of the Mahatma but has an individuality of his own which he has brought to bear on Congress policy.†

While there is little need for political leadership so long as the present conflict continues and negotiations are at a standstill, the Congress movement is not drifting rudderless in a sea of aimless agitation. There is definite leadership and planning in day-to-day tactics, and even policy, within the limits of the outlines laid down last January. Congress leaders like Babu Rajendra Prasad, Mr. Rajagopalachari, Dr. Mohammud, Maulana Kalam Azad, Mrs. Kamala Nehru, the two Mrs. Captains, Mr. J. C. Gupta and Mr. Aney, to mention only a few names, were out of prison while we were in India, and our knowledge of their viewpoints and their outlook convinced us that these men and women, while primarily engaged at the moment in the tactics of war, are equally concerned about the problems of peace.

There is also a stratum of ideas and leadership in the Congress movement represented by men of the type of Pundit Malaviya, who is the elder statesman of Indian politics, and, as Mr. Gandhi himself put it, cannot be bound even by the decisions of a Congress executive. There is no Gandhi-Malaviya feud, as the correspondents, in India, of some of the principal London papers have suggested; but the Pundit, who is among the most respected and honoured of men in India, is in a class by himself. His indefatigable efforts must hold primary place in the settlement reached at Poona on the Untouchable question and in the partial success that has attended the Unity efforts which he and Maulana Shaukat Ali inaugurated. The Pundit's role to-day is that of an all-party leader. A more imaginative administration in

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\* When the Government asserts its determination to fight the Congress until Mr. Gandhi, while still in prison, withdraws Civil Disobedience by giving orders to Congress, they show a complete misunderstanding of the situation and the personalities of modern India.

[This remark, written some months ago, is true even to-day as Government refuse to discuss with Congress leaders and Congress organisations are still illegal.]

† Sirdar Vallabhai Patel is the brother of Mr. V. J. Patel, formerly Speaker of the Indian Legislative Assembly. He is essentially a Peasant leader, though a qualified lawyer.

India would have used his services to bring the present impasse to an end.\*

Lower down, in the Provincial, Divisional and District Committees, are men and women who have shown remarkable ability of leadership. The Government's policy has been to take away leaders and thus paralyse the Congress. What impressed us about this leadership was its impersonal character. The "Dictator" of the time, unknown though he might have been a few weeks previously, commanded loyalty. These "rank and file" leaders were also men and women of a new type. They are drawn from every class of society, mostly from the poorer; many of them are villagers, and they are Indian as distinct from class and creed. Quite an appreciable section profess or incline to equalitarian ideas of social organisation, which jail experiences, police brutalities, volunteer organisations, the anti-untouchability movement and the general background of the struggle for liberty serve to strengthen.

### **Extent of Congress Activities.**

What we have said in other parts of this Report conveys our impressions of Congress activities. We should, however, like to emphasise the fact that the Congress is not an organisation; it is a movement. Even where its committees still function more or less in the normal way, and its membership rolls are kept up to date, it would be a mistake to suppose that its adherents are merely those who join it or hold office in it.†

It is perhaps more useful to speak of its influence. We discussed this subject with non-Congress politicians and anti-Congress men. We talked with local and provincial officials about it. They all agreed‡ (1) that it was the

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\* Pundit Madan Mohan Malaviya has been a Congressman for nearly half a century and been elected its President four or five times—a unique honour.

† The Congress is an extensive organisation which commands, even outside its own ranks, a certain degree of sympathy among many of the educated classes."—(The Viceroy: Address to the Legislature, 5th September, 1932.)

‡ With the exception of one District Official in the United Provinces, and another elsewhere, the British and Indian officials we met were in substantial agreement with these points, and unanimous in holding that Congress would sweep the polls if it contested elections.

best organised and most powerful movement in India ; (2) that it alone had penetrated to the masses, whose loyalty it commanded in a large measure ; (3) that numbers of men and women who did not belong to Congress or did not announce their faith in Congress were Congressmen at heart ; (4) that, if there were elections to the Legislatures and the Congress decided to contest them, they would sweep the polls, whatever the franchise, except perhaps in the Punjab, and the Tamil part of Madras ; (5) that no constitution would work for long in India without an appreciable section of the Congress co-operating ; (6) that the Congress was the only nation-wide movement and the only one which had penetrated into the villages.

## (II) POLICIES AND METHODS.

### Swaraj.

The political objective of the Congress is defined as *Purna Swaraj* (complete self-rule).<sup>\*</sup> About the content of the term there is difference of opinion. In the movement itself there are distinct lines of thought regarding both the degree of national independence and the distribution of power within the State as among the different sections composing it. *Purna Swaraj*, according to Mr. Gandhi (and Mr. Patel, the President of the Congress for the year), does not preclude partnership with Great Britain or with any other country on absolutely equal terms.

Irrespective of what may be the content of any scheme of self-government that may be offered to India in the near future or accepted by her, we think it necessary that British public opinion should be informed of the feelings of the Indians in this matter. For the younger section of Congressmen and women, for those of the revolutionary schools, and for those holding socialistic views, "Independence" as distinct from Dominion Status is no idle controversy. It would be true to say that the countryside which has been roused by the Congress would follow the leadership of the Congress of the time. But the leadership of the Congress at any given time may in future be settled by the strength of the two schools. There are many who, at any rate for the time being, would be

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<sup>\*</sup> This is now part of the Congress creed. The older Congress stood for "Self-government within the Empire."

satisfied with a constitution that confers equality of status with this country with control by an Indian Parliament over all affairs—in fact, a Dominion as under the Statute of Westminster. Mr. Gandhi himself may be included in this class, though he will not be party to a settlement in which the inability of India to make herself completely independent is an essential condition.

### **The Congress Demand.**

The Congress demand, as interpreted by Mr. Gandhi in December, 1931, after the 2nd Round-Table Conference and on the eve of his departure from London, is:

"Complete independence, not however excluding partnership at will on absolutely equal terms with Britain, and determinable at the instance of either party subject to the discharge of the mutual obligations or adjustments being made therefor.

"Complete independence necessarily includes full control in the hands of the responsible Government over the defence forces and external affairs and finance.

"Such safeguards as may be proved to be necessary in the interest of India would be accepted by the Congress.

"Congress is quite willing that the nation should take over all the legitimate obligations, but insists upon an examination by an impartial tribunal of all the obligations that the nation may be called upon to bear. It is contended that there were in the past many British transactions which were debited to India, but which India should not have been called upon to bear. It is also contended that India should not be called upon to take over the whole of the Army or the Civil Services, or to be held responsible for pensioning off those who may not be wanted. Many appointments have been made, in spite of the protest on behalf of the nation. Contracts have been also entered into by British authorities in the face of public opinion. Moreover, an army that may be required by an alien power for its support need not be required by a national government.

"Similarly a national government would not require an expensive Civil Service, the most expensive known in the world; hence it would be wrong to saddle India with all the burdens and then expect her to guarantee the discharge of those burdens. Britain has claimed to be trustee for India. Every ward has the undoubted right to decide what liabilities he would take over and what he would not.

"There is the question of minorities—that is to say satisfaction of the claims advanced by Muslims, Sikhs, Anglo-Indians, Indian Christians, Europeans and so-called Untouchables.

"The Congress is a National Organisation and it is committed to a purely national solution of these questions, but it will, if necessary, accept the principle of special reservation of seats in the

Legislature for Muslims and Sikhs, and this it would do as a necessary evil because of historic reasons. The present Congress has inherited a legacy of the past. The evil cannot be extended by giving special representation to the other minorities. Any such recognition will divide the nation into watertight compartments making the growth of the national spirit impossible.

"With regard to the so-called Untouchables—their cause has been, and is, the special care of the Congress, and it would be unjust to treat them separately and thus give Untouchability a legal status, when every attempt is being made to do away with the evil altogether, and to merge the Untouchables into the so-called Caste Hindus. It should be remembered that Untouchables are a part of Hindu society.

"The Congress has advocated the recital of fundamental rights that should be common to all and the guarantee of the civic and religious rights, culture, etc., belonging to the different minorities. Everyone will be equal in the eye of the law. There will be no political disability placed upon anyone on the ground of race, creed, or colour and the Congress being wedded to adult franchise—male and female—there should be no difficulty in representatives of any minority seeking election to the Legislatures and getting elected on the strength of National service. As a voluntary organisation the Congress has always followed this policy, and all classes have taken part in the National Movement to a greater or lesser degree."\*

## **The Declaration of Independence.**

The Independence Resolution passed at the Annual Session of the Congress at Lahore in 1929 (December), and the Declaration of Independence made by Pundit Jawaharlal Nehru on the 26th January, 1930, form the official policy of the Congress. It is an agreed position which all sections of Congress have accepted. The Declaration of Indian Independence reads :—

"We believe that it is the inalienable right of the Indian people, as of any other people, to have freedom and to enjoy the fruits of their toil and have the necessities of life so that they may have full opportunities of growth. We believe also that if any government deprives a people of these rights and oppresses them, the people have a further right to alter it or to abolish it. The British Government in India has not only deprived the Indian people of their freedom but has based itself on the exploitation of the masses, and has ruined India economically, politically, culturally and spiritually. We believe, therefore, that India must sever the British connection and attain *Purna Swaraj* or Complete Independence.

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\* "India and the National Congress," by M. K. Gandhi (1931), being a statement by Mr. Gandhi to the British Public on the Congress demand written on the eve of his departure at the request of The India League and published by it.

"India has been ruined economically. The revenue derived from our people is out of all proportion to our income. Our average income is 7 pice (less than 2½d.) per day, and of the heavy taxes we pay, 20 per cent. are raised from the land revenue derived from the peasantry, and 3 per cent. from the salt tax which falls most heavily on the poor.

"Village industries such as handspinning, have been destroyed, leaving the peasantry idle for at least four months in the year and dulling their intellect for want of handicrafts; and nothing has been substituted, as in other countries, for the crafts thus destroyed.

"Customs and currency have been so manipulated as to heap further burdens on the peasantry. The British manufactured goods constitute the bulk of our imports. Customs duties betray clear partiality for British manufactures, and revenue from them is used not to lessen the burden on the masses but for sustaining a highly extravagant administration. Still more arbitrary has been the manipulation of the exchange ratio, which has resulted in millions being drained away from the country.

"Politically, India's status has never been so reduced as under the British regime. No reforms have given real political power to the people. The tallest of us have to bend before foreign authority. The rights of free expression of opinion and free association have been denied to us, and many of our countrymen are compelled to live in exile abroad and cannot return to their homes. All administrative talent is killed, and the masses have to be satisfied with petty village offices and clerkships.

"Culturally, the system of education has torn us from our moorings and our training has made us hug the very chains that bind us.

"Spiritually, compulsory disarmament has made us unmanly, and the presence of an alien army of occupation, employed with deadly effect to crush in us the spirit of resistance, has made us think that we cannot look after ourselves or put up a defence against foreign aggression, or even defend our homes and families from the attacks of thieves, robbers and miscreants.

"We hold it be a crime against man and God to submit any longer to a rule that has caused this fourfold disaster to our country. We recognise, however, that the most effective way of gaining our freedom is not through violence. We will therefore prepare ourselves by withdrawing, so far as we can, all voluntary association from the British government, and will prepare for Civil Disobedience, including non-payment of taxes. We are convinced that if we can but withdraw our voluntary help and stop payment of taxes without doing violence even under provocation, the end of this inhuman rule is assured. We therefore hereby solemnly resolve to carry out the Congress instructions issued from time to time for the purpose of establishing *Purna Swaraj*."

Pundit Jawaharlal Nehru has always regarded Dominion Status as insufficient, and his reasons are worthy of con-

sideration. His attitude to this question is described by a friend, who questioned him on this point, thus:—

“He maintained that the Indian people require to be stirred into a revolutionary attitude; they must be brought to a state of mind where they are ready to make a decisive break with the past. The demand for Dominion Status represents a slow growth without any fundamental change of mental attitude; the demand for Independence represents a challenge to tradition. Jawaharlal wishes to create a movement which will have a completely new outlook, politically and socially which will reject the religious and economic ideas which have kept India bound in superstition and poverty, as well as the political ideas which have kept her in national bondage.”\*

### **Nationalism, Democracy and Equality.**

Under the Congress flag we found “millionaires” and peasants. Some millionaires, like some peasants, were willing to risk all for *Swaraj*. Class divisions as understood in the West have not yet made themselves felt in India. The Congress is increasingly dependent on the loyalty of the peasantry, and its policies tend to be determined by peasant interests.† The most authoritative statement on the position of Congress on this matter is that made by Mr. Gandhi at the Round-Table Conference, when he said:—

“Above all, the Congress represents, in its essence, the dumb semi-starved millions scattered over the length and breadth of the land in its 700,000 villages, no matter whether they come from what is called British India or what is called Indian India (Princes’ India). Every interest which in the opinion of the Congress is worthy of protection has to subserve the interests of these dumb millions; and so you do find now and again apparently a clash between several interests, and if there is genuine real clash I have no hesitation in saying on behalf of the Congress that the Congress will sacrifice every interest for the sake of the interests of these dumb millions.”

It is therefore essentially a peasant organisation and it is becoming so progressively. Mr. Gandhi’s speech at the Round-Table Conference on November 19th, 1931, gave further proof that a national government as conceived by Congress would legislate and, if need be, expropriate without compensation in the interests of the peasantry and the dispossessed classes.

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\* “The Indian Crisis,” by A. Fenner Brockway, p. 114.

† The plight of the peasants in the United Provinces, of the Pathans in North-West Frontier Province, of the cultivators in Gujerat and Bengal and the tenantry in Malabar, are to-day among the most potent factors in the determination of Congress policy and resistance.

The younger element in the Congress desire an equalitarian society, and complete political independence from Britain. They are wholly against Dominion Status or any compromise in the matter of independence.

### Method.

If the aim of Congress is *Purna Swaraj* its method is non-violent non-co-operation, including boycott and Civil Disobedience. Non-violence as a method was accepted in the Lahore resolution and in the Declaration of Independence. Terrorism has been condemned by Congress leaders, though Congress has conceded the genuineness of motive of some political assassins. Between the Terrorists and Congress workers there is no alliance,\* though both want riddance of British control. Congress has also given evidence of its adherence to the policy of non-violence by the conduct of its people in the face of *lathi* charges, insults, firing and beating.

Social boycott is not allowed now by the Congress, though in 1930 it was tried. We found great impatience amongst Congress workers against this restriction. Even in Gandhi's area, Gujarat, Congress workers feel that they should have the freedom to practise social boycott against policemen and officials who are guilty of gross abuse of their authority, particularly in their treatment of women civil resisters. The Congress Executive and its present leadership, however, consider that social boycott may be so used as to become a form of non-physical violence and may inflict hardships on members of the community who themselves are innocent, such as a police constable's wife or children.

Against all this restraint that is imposed there is growing restlessness among the younger people, in the face of police brutality. We would say that in a place like the

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\* This is challenged by some Government spokesmen in their public utterances. It is, however, well known that the Government knows that the two movements are not in alliance.

Mr. H. G. Haig replying to Mr. Azharali in the Assembly on Thursday stated the term Congressman is not synonymous with the terrorist and the prisoners transferred to the Andamans are not Congressmen, but those who are convicted in connection with the terrorist crimes.—*Associated Press*, Sept. 22nd, 1932.

Sir Samuel Hoare alleged in the House of Commons that there was "too close a connection between the terrorist organisation and the Congress movement." [*Hansard* vol. 262. No. 47].



city of Bombay a large section of those who have gone into prison are young men who have accepted non-violence as a weapon on practical rather than moral grounds and out of loyalty to the Congress. If non-violent Civil Disobedience fails it will not be a victory for the Government or for order and peace, but for the exponents of the counter doctrine.

### (III) THE CONSTRUCTIVE PROGRAMME.

The Congress is most in the public eye as an agitating and fighting body. But its constructive programme is carried on side by side, even during the years of the "wars." This aspect of Congress work also comes under the hostile attention of the authorities. We saw some of the results of police "vigilance" on the constructive work of Congress. For this ruthless and wanton\* destruction of constructive effort in a land where its need is so great, where the rulers have either neglected it or performed it very inadequately, the name of police excesses is a very mild term, and it was among the most unfortunate of our memories in India.†

#### Early Efforts.

For several decades past, at venues of Congress sessions, organisations working for social reform, industrial and economic advancement, and cultural reform movements, have held their annual meetings, often using the Congress *pandal*‡ for the purpose. Though as organisations these are separate, and non-political, there has always been in fact a great deal of kinship between them. The leaders of these great national movements were often Congressmen. The Social Conference, founded by the late Justice Ranade, which always held its sittings side by side with Congress and drew most of its support from the latter, is a typical instance. Congressmen have invariably been the foremost of reformers in the social sphere. Industrial

\* We use these epithets advisedly. What we have seen of the breaking up of looms, confiscation of schools, and the attack on medical work, has left a deep and harrowing feeling on our minds. Police terrorism in this sphere can claim no excuse whatever.

† We refer to these in the chapters on the police and villages.

‡ Each year the Congress session has a different venue. A whole temporary "City" is built for this purpose, with accommodation for delegates, conferences, committees and exhibitions. The large temporary hall where the session is held is often called the Congress *Pandal*.

exhibitions, organised and arranged by Indians, to which the Government lent no support, were also similarly held.

### **Adoption of a Programme.**

But it was not till after it had become a mass movement, after the War, the Home Rule agitation led by Mrs. Besant and the emergence of Mr. Gandhi as the greatest national figure of India, that the Congress had a "constructive programme" of its own, as different from political agitation. In 1920 the Congress took the bold step of including the removal of untouchability as part of its platform. Following this, largely through Mr. Gandhi's influence, the Congress endorsed a "constructive programme," including:

- (1) The propagation of hand spinning.
- (2) The anti-drink and drug campaign.
- (3) The propagation of an All-India language (Hindi).
- (4) The abolition of Untouchability.
- (5) Village propaganda for reconstruction and relief.
- (6) Hindu-Moslem unity.

In 1921, Mr. Gandhi, as we have stated before, suspended Civil Disobedience, when there were sporadic outbreaks of violence, on the ground that the country was not ready. He then called on the country to devote itself to the constructive programme. The rank and file of the Congress followed Mr. Gandhi's lead into this field, while political work was left to the section which followed the late Pundit Motilal Nehru, and Mr. C. R. Das, who had persuaded Congress to lift the boycott of the Legislatures and had formed the *Swaraj* (Legislatures) party.

### **Organisations.**

Subsidiary organisations came into existence to carry out all these items of work. Among these the most important are (1) the All-India Spinners' Association, (2) the Ashrams and National Schools and Institutions, and (3) the Hindi Prachar Sabha. These movements are run by independent organisations with funds and machinery of their own. During recent years, in view of the relations between Government and the Congress, all these organisations have been urged by Congress leaders to confine themselves strictly to their own side of the work and not to take up politics. Mr. Gandhi's influence has been largely responsible

for providing these movements with funds and workers, and their activities have been maintained during the periods both of political lull and stress, always independent of any Government control. They, like Congress, have, however, always been suspect in the eyes of the Government, though their widespread character has made it impossible for the authorities to stamp them out. Ten years ago, the hand-spun cloth\* would not be worn by Government servants, and those who did not desire the unfriendly attentions of the police. To-day *khaddar* is worn even by anti-Congressmen.

### **Khaddar.**

The All-India Spinners' Association has assets amounting to about 28 lakhs of rupees,† and it owns depots for the sale of handspun in hundreds of towns all over India. It distributes raw cotton, spinning wheels and weaving looms to the villages and collects the finished product. Hand-spinning in India to-day is not a haphazard effort; indeed, if it were so, the spun yarn and the woven cloth, small in quantity in each household, could not be marketed. The boycott of foreign cloth is partly aimed against the foreign competition against *Khadi*. Indian mills are placed on a fair list by Congress, which enables their produce to be marketed without incurring the opposition of pickets or public opinion. One of the conditions for being entered in the fair list is that they shall not manufacture yarns of low counts which compete with handspun, which in the Congress plan provides a supplementary occupation for the hungry peasantry.‡

In addition to depots, the All-India Spinners' Association§

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\* *Khadi* or *Khaddar*.

† A rupee is one shilling and sixpence. A lakh is a hundred thousand.

‡ "Unfortunately for us, the East India Company, by means which I prefer not to describe, destroyed that supplementary village industry as well as the livelihood of millions of spinners who had become famous through the cunning of their deft fingers for drawing the finest thread, such as has never yet been drawn by modern machinery. The village spinners found themselves one morning with their noble occupation gone. And from that day forward India became progressively poor." (Gandhi's address to the American people. Broadcast from London by the Columbia Broadcasting Company of America, Sept. 13, 1931.)

§ The All-India Spinners' Association and its network of organisations is a great social experiment. It is run on business lines but its workers are of the Gandhian ascetic type who do not take salaries and live on very little money.

maintain a number of settlements or *Ashrams* where weaving is taught. The wheels and other apparatus are now standardised, improvements effected and supplies made available by the Association, either on its own or through *Ashrams*.\* The Association also has printing, bleaching and dyeing works; it runs its own magazine in three languages and controls prices in the industry.

The Association was established "with the consent of the All-India Congress Committee as an integral part of the Congress organisation, but with independent existence and powers." In 1930 it provided work for nearly 200,000 spinners and weavers, who earned nearly 23 lakhs of rupees.† In 1930 the activities of the Association covered about 7,000 villages, according to the published figures. The returns for Bengal, Delhi and the United Provinces, then active areas, were still incomplete.

Branches of the All-India Spinners' Association are the centres of social work for the villages covered by them, which may be anything from 100 to 1,000 in number, and include medical relief, schools, anti-untouchability and anti-drink propaganda.

### **Ashrams, Schools, etc.**

The boycott of schools and colleges in 1921‡ resulted in provision having to be made for the training of numbers of young men and a few women. The *Vidyathipiths*, National Colleges and Universities, which were founded in response to this demand, vary in character. Professors and teachers who had left colleges and schools in response to the Congress call staffed these institutions. They were independent of Government recognition or support and their aim has been to train men and women for the service of the country

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\* We visited several of the sale depots as well as places where other work is done. Some of them are now under police occupation.

† This makes approximately 11 to 12 rupees per head for the year, which is about a fourth of the average income per head in India. The wages earned are for a subsidiary occupation and help to keep the agriculturist in a slightly less starved condition!

‡ In 1921, the non-co-operation programme laid stress on the boycott of all Government or aided institutions, the giving up of Government titles and boycott of foreign goods. Civil Disobedience as such was not taken up on a large scale. It is estimated that 30,000 students left schools and colleges and a large proportion of that number went into prison.

and not for posts or lucrative careers. Among the most important of these is the Gujarat National University. The magnificent buildings of this institution are now under armed police guard, the place having been closed down and taken possession of, under the Ordinances. In the same way other institutions have been closed down and taken over by the police. The students in these seminaries were under strict discipline, while they received instruction in the usual subjects. They are almost all prospective workers in the "constructive programme." In Delhi a similar institution was founded by Dr. Ansari.\*

Apart from these colleges there are *Ashrams*, some of which were started by senior students and teachers who left colleges in 1921 or by the men who passed out of the National Universities. There are also others, particularly in South India, founded or run by independent groups of men or individuals. These *Ashrams*, again, vary in size and character; there are quite a number of them in different parts of the country, some recently founded by young men, where educational and reconstruction experiments on essentially indigenous lines are being attempted. Each one of these has its own funds and governing bodies.

Though none of these *Ashrams* receives Government grants, they are not of the character of rebel institutions. To take a random instance, the "Gandhi Ashram" at Meerut, of which Pundit Jawaharlal Nehru is a trustee, is registered as a charitable institution under Act XXI. of 1860. It organises co-operative societies which are under a Government department in India.

The activities of the *Ashrams*, where all the workers are in residence, and the place itself is a power house of constructive effort for the area, often covering hundreds of villages, include†:

(1) Popularising of hand spinning and weaving and products of homespun yarn and cloth.

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\* Dr. Ansari's College had the support of Hindus and Moslems alike. The *muftis* of the *Jamait-ul-Ulema* (see page 118), assisted Dr. Ansari, while Mr. Gandhi's youngest son, now one of the Mahatma's lieutenants, was also educated there.

† We had opportunities of seeing some of these places and of becoming acquainted with their work, and also of seeing the destruction by the police. The Abhoy Ashram Comilla, the Gandhi Ashrams at Meerut and Thiruchangodu, and the wrecked Ashram at Sitanagaram, in addition to several smaller ones, came under our notice.

(2) Developing cottage industries and co-operative societies.

(3) Medical relief.

(4) Day and night schools.

(5) Hygienic and health propaganda and cleaning up of wells and village streets.

(6) Village libraries.

(7) Village panchayats\* for the settlement of disputes and for mutual aid.

(8) Educational exhibitions and agricultural assistance.

(9) Dairy farming.

(10) Social reform and anti-untouchability work.

Mr. Gandhi's own *Ashram*,† which is, of course, the best known, is situated on the banks of *Sabarmathi*. Though the Civil Disobedience movement has depleted it of much of its strength, it still carries on its work without interruption.

### Police and Ashrams.

Some of the *Ashrams*, under the instructions of their leaders, scrupulously refrain from political activity entirely, while in others some of the workers leave and join the Civil Disobedience movement. Political work is not directed from the *Ashrams*. None of the institutions mentioned here is controlled by the Congress organisations, while political activity is under Congress direction.

Such of these places as have not been already broken up or closed down by the police, are often subject to search, and the inmates to arrest. Surveillance is part of the normal police routine.

The *Ashrams* owe their inspiration to Mr. Gandhi. They are making the Indian awakening real to the masses and providing part of that body of selfless men and women who in times of peace give the whole of their time and energy to the constructive programme and in times of war either stick to their posts in the *Ashrams* or respond

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\* *Panchayat* means council of five. In pre-British days villages elected these councils, in the majority of cases, and their functions varied from regulation of Customs to arbitration of disputes. The British system destroyed the self-governing institution of the village.

† The *Sabarmathi Ashram* is known the world over and we are therefore only making brief mention of it here.

to the demands of the Congress and carry with them their discipline and promptness in action.

### **The All-India Language.**

The *Hindi Prachar Sabha* was founded in 1920, or thereabouts, and has spread with amazing rapidity. The Hindi Prachar Sabha has many hundreds of teachers on its staff and its work is mainly in the non-Hindi provinces. Devadas Gandhi, the youngest son of the Mahatma, served the early years of his apprenticeship in this movement. To-day the Sabha conducts classes and holds examinations and grants diplomas. Thousands take its examinations. In the national assemblies of India the knowledge of Hindi is becoming necessary with the increasingly democratic character of these bodies.

### **Rural Reconstruction.**

Ashramites and Congress volunteers engage themselves in the task of village reconstruction. There are 500,000 villages in British India alone and by voluntary effort it will take many decades before the reconstruction movement becomes nation-wide. The Congress volunteers are doing the pioneer work and awakening civic consciousness in the village. Unlike Government, or semi-official organisations, they use a technique which is more easily assimilated by the village. The volunteer soon becomes a villager. "Every house," volunteers used to tell us, "is a Congress house." The programme that these men have carried out would have been impossible, but for the readiness with which young men have undertaken it and but for the limited nature of their personal wants.\* Soon the village takes up the movement; it has become a "Congress village"; men and women are beaten or arrested, repression speeds up the current of activity and the awakening to which the volunteer has given the initial start.

The *Panchayats*, and the cleaning of the village well and lanes, by the volunteers bears fruit, as the Indian villager is very alert and intelligent. Work of this type has been

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\* To Westerners, the simplicity of the lives of these village volunteers, the majority of them well educated young men, and their incredibly few wants, would appear amazing.

done over a decade in the villages of Gujerat, and in some areas the villages are self-governing committees on their own, though the machinery is not recognised by the Government.\*

The agrarian distress and the consequent inability of peasants to pay rents and taxes gave momentum to the rural awakening. Pundit Jawaharlal Nehru inspired and led the peasant movement, and thousands of young men rallied to him. They have made the rural areas of the United Provinces politically and socially conscious. Similar results have been obtained in Bihar, parts of Bengal, the Telugu and the Malayalam country.

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\* The Government hardly ever recognises any indigenous social effort, except where it is run under semi-official or Loyalist auspices. Some institutions run by organisations like the servants of India, who are avowed Co-operators are perhaps the only exceptions.



## CHAPTER X.

### OTHER INDIAN ORGANISATIONS.\*

"It may be safely said that to-day, whatever may have been the case in the past, the effect of Indian public opinion on policy is a factor which must be taken into account in every decision that is made."

"... The moderate may look askance at extremist methods which he will not openly denounce; all alike are in sympathy with the demand for equal status with the European and proclaim their belief in self-determination for India."

(*The Simon Report*, Vol. I., p. 408.)

#### (I.) NATIONAL GROUPS.

##### The Liberals.

**A**MONG the many political and social movements in India, outside the Congress fold (though not in every case and every way opposed to it), the foremost place must be assigned to the Indian Moderates, or Liberals. Their organisation is called the National Liberal Federation. It has provincial constituent organisations. The most active of these latter is the Western India Liberal Federation. Indian "Liberalism" is essentially a movement of intellectuals more akin to Fabianism than either the fiery radicalism of the nineteenth century or the British Liberal movement of to-day with its national electoral machinery. The Indian Liberals do not claim that they have the masses behind them. Their organisation, on its political side, does very little mass propaganda, and has few contacts with smaller towns or villages. Their candidates for the Legislatures are elected on their own personal tickets and their party conferences are small gatherings, in the main, of All-India leaders. A very high level of discussion is maintained. Though the majority of these leaders are ex-administrators and holders of Government titles, the independence of their views and their disapproval of present Government policy is very marked.

The difference between Congressmen and Liberals is basically one of temperament, while the similarity is one

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\* We have not dealt with the European, the industrial and trade organisations and the officially sponsored or promoted Indian propaganda movements.

of common aspirations. Alone, outside the Congress, they are an Indian party which recognises no sectional basis for political rights or citizenship. Their organisation and programme is based on the recognition and acceptance of Indian nationhood. They are, however, essentially gradualists. To-day, the differences amongst the Liberals themselves are becoming more and more marked. Some are hardly distinguishable from Congressmen except for their refusal to join the Civil Disobedience movement. Others should, more accurately, be called Conservatives. The Indian Liberal party also has within its ranks some of the captains of Indian industry and commerce.

### **The Servants of India Society.**

Founded by the great Indian, Mr. Gokhale, in 1905, it may be regarded as the power house of the Indian Liberal movement. The society is not an exclusively political organisation, nor is the Liberal Federation either its creature or constituent body, but the relations between the two justify the description we have given.

Both the Servants of India Society and the Indian Liberal movement maintain to-day the political orientation which dates back to the beginning of the century. A generation ago, it was the policy of Indian Nationalism; latterly the main body of Nationalism moved on, while Liberalism still tries to reach it from its moorings in the backwaters. The Servants of India present a mixture of a religious fervour and an earthly realism in politics, a deep faith in providential purposes strangely allied with institutional organisation intended to achieve results and a joy in sacrifice side by side with a utilitarian approach to programmes of public service. Truly, it may be said of the Servants of India Society that it represents the age in which it was born, in which an India which is always herself at heart endeavoured to adopt Western methods and values.

Some passages in the preamble of the Servants of India Society throw light on our argument. It was drafted in 1905 by Mr. Gokhale and stands unaltered.

"Its members frankly accept the British connection as ordained in the inscrutable dispensation of Providence for India's good. Self-government within the Empire for their community and a higher life generally for their countrymen is their goal. This goal . . . cannot be attained without years of earnest and patient effort and sacrifices . . . and the advance can only be slow.

" . . . Public life must be spiritualised. . . . A fervent patriotism which rejoices at every opportunity of sacrifice for the Motherland . . . a deep faith in providence which nothing can shake. Equipped with these, the worker must start on his mission and reverently seek the joy which comes of spending oneself in the service of one's country."

There is in all this a very close resemblance to the ideas and ideals of the Mahatma, and the Congressmen. But the caution, the gradualism, the appeal to the few, the belief in the providential nature of the Empire, and to-day the whole orientation of the moderate party, sadly and severely divide it from the main body of Indian Nationalism.

The influence of the Liberal Party on Indian thought, political and otherwise, should not, however, be judged merely from its numbers. It is not at present a political force, in electoral terms, and it does not claim to be one. The repression has, however, roused some of these men, and the callous way in which the Ordinances were promulgated and worked, and even moderate opinion completely ignored by the Government at every stage, has isolated the Liberals from the Government. It may be truly said that the Liberals are now among the severest critics of Government conduct and policy. Congressmen expect little and their attack on the Government therefore lacks the bitterness that comes out of disappointment.

In our experience we found that the minimum of political concession that the average Liberal would accept is not far different in content from the Congress demand. The statements made to us by Liberal leaders, and what they have on various occasions released for publication, indict the Government in scathing terms.

On the 24th of May, 1932, the United Provinces Liberal Association\* passed a resolution urging that the Ordinance regime should be definitely ended, and that the Ordinances should be neither re-promulgated nor any Bill introduced into the Legislature to continue the extraordinary laws. The Committee stated that the conditions in India did not justify "the facile opinion of the authorities that the Ordinance regime had succeeded," and that their continuance would create deeper discontent and alienate public

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\* There are scores of such resolutions ; we quote this one as a random sample. See also resolutions moved at the annual session of the Federation, 1933.

opinion still more. An improvement in the situation could only be possible by the speedy introduction of responsible government both in the centre and the provinces.

### **The National Liberal Federation.**

Founded in 1918 in Bombay, after the split between the Radical and Moderate sections at the Bombay session of the Congress in 1918, the new body adopted the creed of the old Congress. The Montague Reforms crystallised the division; the Liberals adopted the policy of co-operation and worked the Constitution, while the Congress boycotted it. During the first three years of the Reforms, Liberal politicians were able to promote useful legislation; the pressure of the non-co-operation movement outside drove the Government into the arms of the Liberals to a certain extent and made the officials responsive to moderate nationalist opinion. With the abandonment of non-co-operation by Congress, official recognition of Liberalism suffered a change, and the usefulness of the party inside the Legislatures was reduced. Official disregard of moderate opinion and consequent discontent came to a head with the appointment of the Simon Commission, which the Liberals boycotted. At this stage there was little difference between Congressmen and Liberals, and once again the Nationalist forces emerge united.

Under the auspices of the Congress the All-Party Conference was convened with the late Pundit Motilal Nehru as Chairman. It drafted the proposals for a Constitution for India on the basis of Dominion Status, and with its own provisions for communal settlement, and the approach to the Indian States. The Congress accepted the Dominion Status formula as a compromise; the Nehru Report, however, is essentially a Liberal document owing its character mainly to Sir Tej Bahadur Sapru.\*

### **Liberal Policy.**

The Liberals in 1928 demanded Dominion Status at their Annual Conference. The presidential address of one of

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\* Sir Tej Bahadur Sapru has since abandoned the position taken up in the Nehru Report. At first as a Liberal and latterly as an Independent, he participated in the Round Table Conferences and the Indian Joint Committee, and has adopted his own line.

their moderate men, Sir Chimanlal Setelvad, who presided at the Conference, stated in less emphatic language the demand of the Congress itself. Sir Chimanlal referred to the end of trusteeship and to the necessity for the reversion of the trust, together with the accounts.\* Sir Chimanlal also interpreted the rising feeling in the country against Britain's domination.

Nationalist unity and the rising tide of discontent in the country, embittered by the Simon Commission, coincided with the change of Government here. Lord Irwin, the Viceroy, came home for consultations, and on his return issued his declaration† intended to reassure the Indian people and to assuage their feelings.

The Liberals now returned to co-operation. Nationalist unity was again broken. The Government endeavoured to rally the moderates and fight the Congress. The Liberals took part in the Round Table Conference, where they pleaded for reconciliation between the Congress and the Government. At the second Round Table Conference the voices of Liberals and Congress proved of little avail and towards the end of it Liberal opinion became much estranged. The Indian Liberal Party has been cold-shouldered by the Government since, and at the third Conference none of its representatives were invited.‡

The political demands of the Liberals may be summarised as§ ;

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(1) Responsibility in the Provinces and Central Govern-

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\* This in different language is, in effect, the same demand as made by the Congress for the examination of India's financial obligations by an impartial tribunal, a proposal which has been denounced as repudiation of debts.

† The statements made in India by responsible officials, and the general policy of the Government, had created serious doubts in regard to the goal of British policy in India. A gloss had been put on the declaration of August 20th, 1917, made by Mr. Montagu, and Indian moderate opinion had become very suspicious. The declaration issued on the 31st October, 1929, by Lord Irwin, in concurrence with His Majesty's Government, reiterated the Montagu declaration, its substance and intention as originally conceived.

‡ Sir Tej Bahadur Sapru and Mr. Jayakar are not Liberals. Sir A. P. Patro is a member of the Liberal Federation, but is not recognised as its representative. His role is that of a non-Brahman. Mr. Joshi is also a Liberal, but he was invited as a Labour representative as an after-thought and after pressure from British Labour.

§ Cf. Liberal Federation's resolution, 1931 ; also resolutions, 1933.

ment of India with or without Federation with the Indian States, and without delay.

(2) Residuary powers in a Federation must be vested in the Federal Government.

(3) Indianisation of defence forces within a specified period and provision for training of Indian officers and staff, and the transference of the portfolio of Defence to a Minister responsible to the Legislature.

(4) Abolition of special powers of the Governor-General and Governors, except in cases of extreme emergency.

(5) Abolition of sectional electorates and the substitution of joint electorates with reservation of seats for minorities.

(6) Control of legislation in the fiscal and economic sphere and with regard to basic trade and industries, without reservations to the Governor-General.

### **The "Responsivists."**

While the Liberals are the only all-India and all-Indian nationalist body outside Congress, there are other groups and parties which are nationalist in aims and outlook, which either work as "cells" in a section of the community, or are split-away movements.

Of the latter category are the "Responsivists." It is difficult to describe this group with precision. In the main, it is composed of the remnants of the Tilak school who do not find a haven either with the moderate Liberals or the Gandhian Congress. Their main representatives are Mr. Jayakar and Mr. Kelkar, both Mahrattah Brahmans. The party is neither large nor widespread, but is interesting as representing a school of thought, which is not wedded to non-violence, or indeed much to doctrine. It appears to profess a pragmatic view of politics. It forms, even more than the Liberals, a group, rather than a party, whose leaders are its signposts, and its only title to consideration.

"Responsivism" may well be a factor in Indian politics in the next few years if the outlawry of the Congress or if its own boycott of the Legislatures continues. Responsivism, while it appears more moderate to-day in comparison with the mass resistance of Congress and its comparatively uncompromising attitude, has in some of its aspects a greater degree of militancy. To the Responsivist, non-co-operation is running away from the battle; he does not appreciate or understand how non-violence can fight or

resist violence, much less win in the contest. The Maharattah mentality, reinforced by Western rationalism and tempered and moulded by opportunism, brought Responsivism into being and sustains it. Maharashtra\* has not rallied to the Responsivist banner; from our study it appears a strong Congress province; the conclusion that the two latter elements in the Responsivist composition predominate is, therefore, legitimate. Its future is, as far as one may be permitted to guess, as a Legislature party (or, more likely, group) on the left of the co-operators, allied with the Liberals in some cases and on its left in others. Its numerically few leaders may be absorbed by the new Government, or they may find themselves at the head of the militant Hindu section.

### **The Nationalist Moslems.**

Mainly, but not entirely, adherents of Congress, they represent the Moslem protest against sectionalism and form the radical wing of the Moslem community. The Nationalist Moslem takes the view that he is an Indian first and last. Among Nationalist Moslems there are many who are good and professing Mussalmans; the younger element, like the younger element in the Congress, has an essentially Indian outlook. The movement itself is young; its main functions are the broadening of the outlook of the Moslem community, counteracting Moslem sectionalism and enabling the Moslems of India to pull their weight in the wider nationalist movement. The organisation is urban, and its following is mainly among the educated. Some of its leaders, like Dr. Ansari, Maulana Kalam Azad, and Dr. Sayed Mahamud, are men of all-India reputation and with great influence both among theologians and the masses of Moslem India. The strength of the movement varies in different areas and we found it difficult to estimate it with any accuracy. There is no doubt, however, that it is growing rapidly and that its ideas are influencing even those outside its ranks, even as the Congress influences millions outside its organisational limits. The unity effort that attained an approximate degree of success at Allahabad is a testimony

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\* The Acting President of the Congress in 1932 was a Maharattah, Mr. Aney. The Congress movement in that area has suffered under repression, but it sent several thousands to prison. Responsivism has made no captures from Congress any more than Liberalism has.

to the effect that the leavening influence of Nationalist Moslem opinion has on the rest of the community. It has built a bridge between Moslem consciousness and Indian nationalism; it is rescuing the Moslem community from official tutelage and intrigue and it has also contributed in no small measure to the wider national movement.\* In this task it is assisted by more strictly Moslem movements like the *Jamiat-ul-Ulema*, which is the convocation of Moslem clergy and is an all-India organisation with great influence. The Nationalist Moslems have come to an arrangement with the Congress about Moslem rights in a new constitution, which has since become the basis of the Unity proposals at Allahabad, which were being discussed when we left India. The arrangement is based on the recognition of Indian citizenship; there should be no separate electorates, but seats are to be reserved in the Legislatures for a transitional period. The Nationalist Moslems are still a party in the making; its future is uncertain, but its contribution to Moslem and Indian awakening is by no means small.

Claims and counter-claims were made by Nationalist and communalist Moslems on this score, so that we were left to our own devices to form a judgment. So little is known in this country of the Nationalist Moslem movement; all news of its activity appears to be kept strictly out of the British press and its opinions are not recognised or allowed representation at any conference by the British or Indian Government.† We gathered that:

(1) The Nationalist Moslem organisations had been declared unlawful organisations by the Government.

(2) Communalist leaders admitted to us that the great majority of the Moslem intelligentsia and highly respected Moslems were in the Nationalist movement.

(3) The youth of the Moslem community were either participants or sympathisers of the Nationalist movement.

(4) The majority of its leaders, national and local, were in prison.

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\* It is estimated that in 1930-1931 at least 12,000 Moslems went to prison in connection with the Civil Disobedience movement.

† The nationalist Moslems were not represented at any of the Round Table Conferences. At the Second Round Table Conference, Sir Ali Imam, a representative of the moderate section, was invited, but he took little part owing to ill health. Well-known leaders of that school like Dr. Ansari were not invited, and, indeed, were severely excluded.



(5) In Bombay the police estimate that at least half the Moslems are with the Nationalists.

(6) The movement is not a mere adjunct to Congress, though in working alliance with it, and is endeavouring to build a bridge between political Hindus and Moslems.

(7) The movement tended to be urban, unlike the Congress.

(8) More than any other Moslem movements it can claim, amongst its leaders, men of all-India reputation who are national figures in India.

### **Sikhs and Christians.**

There are similar nationalist bodies among the Sikhs and Christians ; both these communities are progressive in their outlook and even their sectional organisations are not as sectarian as that of the Hindus or Moslems. They have formed "cell" movements of a national character within their communities in response to the call of the Indian awakening and to stem the tide of sectarianism which the older and more officialised leaders of the community promote and exploit. Both these are small communities and have been marked by a readiness to shoulder the burdens of a free India and to make sacrifices\* for it. These "cell" movements are still small and in the case of the first is responsible for much of the combatant strength that the Sikh community has lent to the Congress. The Communal Award† which angered the Sikhs, welded the whole community into one, and the Sikh nationalists took the opportunity to point out how national solutions, independent of awards and adjustments by an alien government, were alone the remedy.

## **(II.) SECTIONAL ORGANISATIONS (MOSLEM).**

### **The Moslem League.**

Of the sectional political organisations in India the All-India Moslem League is the longest established and the

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\* Even the communal Sikhs are prepared to surrender their sectional claims in any plan where the Constitution and the electorates are upon a national and democratic basis, but they argue that in solutions which are based on the principles of separate electorates or reservations, they must think in sectarian terms.

† Here, again, the Nationalist Sikhs point out that for a democratic national solution, the Congress way is the only way.

best known. Other Moslem organisations have been founded since, or older non-political Moslem movements have adopted political programmes.

The Moslem League was founded in 1906 in the background of the discussions of the Minto-Morley reforms for the purpose of the protection of Moslem interests and to demand separate electorates for Moslems. Its original objects were the "Promotion of loyalty to the British Government,"\* the safeguarding of Moslem interests and the placing of Moslem "needs and aspirations before the Government in temperate language."

Whatever be the early character and the *raison-d'être* of the origin of the League, it soon became a nationalist organisation within the limits of its special sectionalist aims. In 1913 self-government within the Empire was included among its objects. In 1916 it came to an agreement with the Congress at Lucknow, which formed the basis of the communal arrangements in the Government of India Act, 1919. The Moslem League also joined with the Congress in the formulation of "The Congress-League Scheme," which the two bodies pressed for acceptance on Lord Chelmsford and Mr. Montague, and helped to popularise it on a nation-wide scale. The scheme, however, was not accepted.†

During this period the Moslem League, in alliance with the Congress, was much in the public eye. The reforms drove the Congress into non-co-operation and the Moslem League into oblivion. The *Khilafat* movement which emerged at this period engaged the greater part of Moslem attention, and the League remained in eclipse till 1924, when Mr. Mahomed Ali Jinnah resurrected it. For the following three or four years the annual meetings of the League were characterised by a certain amount of virility. Mr. Jinnah, who led the League, formulated the demands of the Moslems and towards the close of the period endeavoured to come to an agreement with the similar sectional body of Hindus, the Hindu Mahasabha.

By this time other groups of Moslems, more sectional in their outlook, and some, more conservative in their political

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\* See the *Indian Year Book* and *Who's Who*, 1932.

† The Montague-Chelmsford report analyses the Congress-League scheme, attacks and rejects it. See also Montague's *Indian Diary* (Harraps).

views, had formed organisations and the comparatively progressive views of the Moslem League incurred their hostility. Similar sections among the Hindus also looked askance at the League's formula. This was also one of the worst periods of communal ill-feeling in the towns of India, a fact which caused grave concern to the more thoughtful leaders on either side.

The Moslem League was now faced with schism. The Simon Commission precipitated it. Progressive Moslems of the old Moslem League joined with the rest of India and boycotted the Commission. The pro-Government section in the League, led by the late Sir Mahomed Shafi, along with various other Moslem groups friendly to the Government, formed the "All Parties Moslem Conference," which was a counter move to the All-Parties (Indian) Conference over which Pundit Nehru presided.

The All-Parties Moslem Conference was presided over by the Aga Khan (1928). The Conference was able to pass an agreed resolution only by leaving out all reference to Dominion Status, Independence, the Simon Commission and the Nehru Report.\* The resolution demanded a "federal constitution," obviously meaning the structure and not the content of the future Government. The All-Parties Moslem Conference found favour in the European press in India. Repeated attempts were made to heal the split of 1928 and in 1930 the council of the Moslem Conference adopted Mr. Jinnah's "Fourteen Points," rejected the Simon Report and welcomed the Round Table Conference.

### **The Khilafat Movement.**

Parallel with these sectional-political movements runs the Islamic movement. The Khilafat Committee, started in 1919, arose out of the resentment felt by Indian Moslems at the dismemberment of Turkey and the desire for the safety of the holy places of Islam. The Khilafat movement had its sympathisers among the non-Moslem population of

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\*The Nehru Report formulated the majority Indian demand of the time. It did not concede the "fourteen points" of Mr. Jinnah and was therefore rejected by the Moslems. It was based on Dominion Status and for that reason also was unacceptable to other Moslem groups, who were either too conservative to agree to "Dominion Status" or were advocates of "Independence."

India, and partly as a result of sympathy with their Moslem brethren and partly out of common hostility to the British, the Khilafat and Congress movements struck an alliance. In 1920 the Khilafat Committee adopted *swaraj* for India as one of its objects and non-co-operation as its programme, and the Congress-Khilafat alliance was cemented.

The deposition of the Khilafat by Mustapha Kemal cut the ground from under the feet of the Indian Khilafat organisation, which, however, did not wind up. In 1927 it joined in the boycott of the Simon Commission, and in the following year in the opposition to the Nehru report.

The opposition to the Nehru Report was due to: (1) disagreement on the communal plan; (2) disagreement on Dominion Status. The Khilafatists wanted separate electorates for Moslems and independence as the goal of India (as different from Dominion Status). Old colleagues like the Ali brothers and Pundit Nehru were in hostility to each other, and the Khilafat movement endeavoured to mobilise mass Moslem opinion for sectional rights. The Khilafat Conference at Lahore (1929) decided to co-operate with the Round Table Conference while declaring itself in favour of Independence.

The Ali brothers\* were the mainstay of the movement. Maulana Shaukat Ali, who survives his younger brother, still leads it. Apart from Moslem interests in India he is interested in the idea of a world Arab or Moslem Federation.

In India the Khilafat movement, as different from the personalities of the two brothers, assumed different forms. In the North-West Frontier Province it was an active movement of reform and opposed to the Government. It has been friendly to the Congress, though it declines to pledge itself to non-violence.† In Bombay and elsewhere the movement has been responsible for some educational and social reform work and volunteer organisations, all of which are religious and sectional in character.

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\* Mahamud Ali died in London in 1930. The Ali brothers were in internment during the War.

† The Red Shirts, on the other hand, have accepted non-violence as part of their policy, and while their organisation is still semi-military in character, they are entirely non-violent. Their leader, Abdul Ghaffar Khan, is called the "Frontier Gandhi." It should not, however, be supposed that the Frontier Khilafatists practise violence.

## The Moslem Divines.

The *Jamait-ul-Ulema* (Hind)\* was founded in 1919 during the Khilafat agitation by Maulana Mahamadul Hassan. He was interned at Malta by the British Government, but is reported to have escaped. With the collapse of the Khilafat movement, owing to Kemalism in Turkey, the *Jamait-ul-Ulema*, like the Khilafat Committee, found much of its ground cut away from under its feet and suffered eclipse. It came into public view again soon after, under the leadership of its present president, Mufti Khifayatulla,† who is now in Multan jail under a sentence of eighteen months imprisonment for civil disobedience. The Mufti has a very large following. He was principal of the *Aminia Madrasah*, the great Arabic college at Delhi.

After the Khilafat agitation the *Jamait* devoted its energies to conducting propaganda for the protection of the personal rights of the Moslem.‡ Now they are in conflict with the Government on political issues. The *Jamait* is a militant organisation and has a mass appeal. Its resistance programme includes the picketing of liquor shops, processions and boycott of British goods. Delhi, which is the stronghold of the *Jamait*, witnesses combined processions of the *Jamait's* volunteers and Congressmen each Friday,§ which are *lathi-charged* by the police. Politically the *Jamait* agrees with Congress, while maintaining its independence, its Moslem character and its programme for safeguarding Moslem personal law. It stands for independence as against Dominion Status. The *Jamait* has issued its own programme, and it advocates joint electorates with reservation of seats.

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\* There is another *Jamait-ul-Ulema* in India, founded by those who differ from the original *Jamait*, at Cawnpore. The "Hind" in the title of the original distinguishes it. Maulana Shaukat Ali, one of the sponsors of the Cawnpore movement, told us that it was now as good as dead.

† The title of "Mufti" is given to accredited popular Moslem leaders, who are very learned in Arabic. The title is now conferred by the Delhi Arabic College, but in Moughal time it was conferred by the Government.

‡ It opposed the inclusion of the Moslems in the operation of the Child Marriage Prohibition Act on the ground of it being against Moslem personal law.

§ Friday is holy day for Moslems all over the world, and the mosques are usually full of devout men at prayer.

There are 264 members on its All-India Committee, which is constituted from provincial committees. The All-India Committee elects seventy members to the Working Committee. The *Jamait* claims that the vast majority of *Ulemahs*, Moslem Divines, belong to it; it also claims that the majority of the Moslems follow its lead. It has about 200,000 paying members in the different parts of India. Membership is restricted by a religious and educational test and at least two-thirds of the members are "graduates" from indigenous Moslem institutions. About 20,000 members of the *Jamait* have at one time or another suffered imprisonment, in the last three years, for political offences.

There is a working alliance between the *Jamait* and the Congress and very close friendship. Congress leaders like Dr. Ansari and Maulana Kalam Azad are leading personalities in the *Jamait*. It has its own volunteer organisation. Its committees, its volunteers and its activities are now illegal.

It has not at any time been invited by the British Government to send representatives to Round Table Conferences or any other constitutional discussion. The ill-treatment of Moslems in the North-West Frontier Province, the nationalism of cultured Moslems who join the *Jamait*, and the desire to protect Moslem culture and personal law in a free India are among the factors that have made the *Jamait* a militant political body with radical nationalist views and close affinities with the Congress.

### (III.) SECTIONAL ORGANISATIONS (HINDU).

#### **The Hindu Mahasabha.**

Founded about fourteen or fifteen years ago, its objects are :

- (1) The promotion of solidarity among Hindus.
- (2) The promotion of national unity and inter-communal co-operation with a view to attaining self-government for India.
- (3) Amelioration of the conditions of all classes of Hindus, including Depressed Classes.
- (4) To protect and advance the educational and social interests of Hindus.
- (5) Reconversion to Hinduism of those who, under "pressure or temptation," had gone over to other religions and desire to return to Hinduism.

The *Sabha* is a Hindu organisation, as the Moslem League and the *Jamait-ul-Ulema* are Moslem organisations. Either as active participants or associated with it are men of

national reputation, like Pundit Malaviya, Mr. N. C. Kelkar, and Mr. M. R. Jayakar, and Mr. Ramananda Chatterji.

Dr. Moonje, once a Member of the Legislative Assembly, is, however, the Hindu Mahasabha's best known leader. There are some Congressmen among the Mahasabhites, for instance, Pundit Malaviya. But the *Mahasabha* is not another name for the "Hindu Congress," as is often suggested.\* The Mahasabhites are nationalists, in the main, far more moderate than the Congress. Their political allegiance became marked when the Congress entered the Legislatures as the *Swaraj Party*. The Hindu *Mahasabha* members, Mr. Jayakar, Mr. Kelkar and Dr. Moonje, were "Responsivists."† The Mahasabhites are almost all for "Dominion Status" as against "Independence"; they disbelieve in non-co-operation, partly because of Responsivist leadership and partly out of fear that Hindu interests may go by default.

While the *Mahasabha* can claim the adherence of some of the most brilliant Hindus, it does not appeal to the youth of India, which denounces Hindu as well as Moslem sectarianism. Nationalist leaders neither of the left, the Congress,‡ nor of the right, the Liberals, are in the *Mahasabha*.

Culturally and socially, the *Mahasabha's* activities appear to be of a progressive character. It stands determinedly and unquestionably against Untouchability, and for the abolition of distinctions of caste in Hindu society. Its view is that "the Hindu community as a whole must become a social democracy,"§ and "every Hindu, to whatever caste he may belong, has equal social and political rights."|| It

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\* In 1926 the *Mahasabha* fought Congress candidates in elections in the United Provinces and beat them. The late Pundit Motilal Nehru was the only well-known Congressman returned from the Province. He was not opposed by the *Mahasabha*.

† "Political activities are of two kinds—anti-government and pro-government. It will be foolish to oppose the Government for the sake of opposition. It will be equally foolish to support the Government with the object of individual or communal gain."—Lala Lajpat Rai's Presidential address to the Hindu *Mahasabha* in 1925. This summarises the political outlook of the Mahasabhites and their "responsivism."

‡ Pundit Malaviya is the one important exception. Lately he has not been very active in the *Mahasabha*.

§ Presidential address of Babu Ramananda Chatterji, April 1st, 1929.

|| Resolution passed at the Jubalpoore session of the *Mahasabha*, 1928.

also advocates the removal of all social and civic restrictions against Untouchables, such as in regard to use of public schools, wells, roads, meetings and temples. Its programme for the Hindu community is one of radical reform in many respects, though based on Hindu religious ideas. It also advocates the arming of women for purposes of self-defence.

The Hindu *Mahasabha* claims to be a political body but contends that "the Hindus have no political aims of their own separate from those of their countrymen of other faiths."\* Politics, it argues, "is the very breath of associated life" and quotes the scriptures in support.†

"In politics are realised all the forms of renunciation; in politics are united all the sacraments; in politics are combined all knowledge; in politics are centred all the world." (*Maha-Bharata*—the Hindu Epic.)

The *Mahasabha* is, however, not opposed to the Nationalist bodies, the Congress, or the Liberals. It would be a fair description to say that the Hindu *Mahasabha* is not nearly as nationalist or radical in politics as the *Jamait-ul-Ulema* nor as sectarian in its communalism as the Moslem League.‡

The two items of the *Sabha's* programme that have been causing acrimony, are its reconversion or "*sudhi*" activities and its opposition to the creation of a separate Sindh province.

The Hindu *Mahasabha* has now come to an agreement with the Depressed Class Association, led by Rao Bahadur M. C. Rajah, M.L.A., in what is known as the *Rajah-Moonje Pact*, in which it was agreed that the Depressed Classes

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\* Presidential address by Lala Lajpat Rai, 1925.

† *Ibid.*

‡ The *Jamait-ul-Ulema* stands for Indian Independence, while the *Mahasabhis* are for Dominion Status; some of their leaders, like Mr. Jayakar and Mr. Kelkar, are giving qualified support even to the Government's present proposals. The Moslem League programme is summarised in Mr. Jinnah's "fourteen points," which include separate electorates and the extension of the Communal principle to the Executive, the services and as the basis of an Indian Federation. The Hindu *Mahasabha* advocates joint electorates, representation for communities on population basis, and the limitation of the Communal principle to the Legislatures. Both demand protection of culture, script, private law, etc.



should receive seats in the Legislatures according to the strength of their populations.\*

In the definition of the *Mahasabha*, "Hindu" means any person professing any religion of Indian origin. It includes *Sanatanists*, *Arya Smajists*, *Jains*, *Sikhs*, *Bhuddists*, *Brahmos*, etc.†

### The Non-Brahmans.

The non-Brahman movement originated‡ in Madras in the days of the Home Rule agitation led by Mrs. Besant. Its avowed aim was to fight for the rights of non-Brahmans, to expose the oligarchic character of the "Home Rule" movement, which it declared to be "Brahman rule," and to obtain communal representation for non-Brahmans.§

In the main a Madras party, the "non-Brahmans," are popularly called the *Justice Party*. Its principal leaders are landlords and rich non-Brahmans, and its representatives in the Councils are usually returned on the personal ticket. The party has been in office since 1921 with a brief interruption of two years. In Madras, Dyarchy is claimed to have been a success owing to the co-operation offered by

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\* Dr. Ambedkar, who leads the Depressed Class Federation, was not a party to this pact. The Poona Agreement, which followed Mr. Gandhi's fast in October, 1932, replaces the Rajah-Moonje pact by consent of the parties.

† *Sanatanists* are Orthodox Hindus. *Arya Smajists* and *Brahmos* are protestant movements in Hinduism. *Jains* and *Bhuddists* are followers of Hindu reform movements of twenty-five centuries ago. *Sikhs* are followers of Guru Nanak and Guru Govind, who were originally drawn from the Hindus. *Sikhs* intermarry with Hindus, but have borrowed ideas and customs from Islam as well. The *Mahasabha* includes as Hindus Depressed Classes, Hill Tribes and Aborigines, which latter are classed as *Animists* in the Census Reports.

‡ It is generally believed that the officials were interested parties in the inception of this movement.

§ Cf. Evidence before Joint Select Committee on Government of India Bill, 1919. Oral evidence of Sir Alexander Cardew in reply to Lord Sinha.

See also Montague's Indian Diary (Harrap) for interesting sidelights on the movement.

§ That the movement was in its early days either blessed or encouraged, if not inspired, by the Madras Government, is freely stated by Brahmans and non-Brahmans. The demands of the movement were conceded. A majority of about 38 or 39 millions in a total population of 40 or 41 millions was given special representation by reservation of seats. The very first election proved the "safeguarding" entirely unnecessary, as many non-Brahmans were returned by general constituencies.

the *Justice* party Ministers to the reserved half of the Government.

To-day, the non-Brahman movement is less sectarian than it was at its inception. The leadership is changing and the old guard, which is still conservative, sectarian and pro-Government, is replaced by men who are affected by the currents of awakened nationalism. At the same time, the "lower" orders of society formulated their revolt against the "non-Brahmans" even as they did against the Brahmins. In the ranks of those who are its leaders we noticed there are differences of opinion on national issues and on tactics. Sir A. P. Patro, who has been a member of all the Round Table Conferences and is an ex-Minister, stands at the right of the party, which, in his view, should still be anti-Congress, pledged to support the Empire, and the Round Table proposals; it should be the party of that steadiness which in the past saved the country from extremists and must continue to do so.\* Alone of parties of any size in India the non-Brahmins co-operated with the Simon Commission.

The present chief minister of Madras, who is the "Parliamentary" leader of the party, represents a more progressive view. The party executive itself has condemned the repressive policy of Government, and latterly there have been tendencies towards a democratic change in the party constitution. But it is unlikely that the *Justice* party will become a democratic party, at least comparatively free from the landlords and other rich men who are its mainstay.

Politically, the *Justice* party is provincial in outlook and, concerned as it is more with problems next door to itself, it may well continue to be the most powerful single group in the provincial Legislature. When the *Swarajists* contested the elections the *Justice* party, however, lost seats. It is now opposed by the "Nationalists," who correspond roughly to the Responsivists at Delhi. They are also a Council party, led by Dr. Subbarayan, an ex-Minister. At present the *Justice* party is kept in power by the official bloc. The only non-Brahman who is acquiring an all-Indian reputation is Dewan Bahadur Ramaswami Mudaliar, who is a member of the Legislative Assembly.

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\* Cf. Presidential address of Sir A. P. Patro to Trichinopoly District Conference, May 7th, 1932.

The All-India movement of the non-Brahmans is of recent growth, and it can more properly be called an effort at collaboration of the non-Brahman groups in the different provincial Councils. We met Rao Bahadur Jhadev, an ex-Minister of Bombay, one of the all-India non-Brahman leaders. He was a nationalist and very bitter and critical about the administration. The all-India non-Brahman movement may, however, gain momentum if the Congress continues to boycott the Councils and the organisation of an all-India non-Brahman party is blessed by the official side. Sir A. P. Patro has announced that in his all-Indian non-Brahman party there is room for "everyone who does not subscribe to the policy and programme of the Congress to join with us as a constitutional party."\* Whether Sir A. P. Patro's vision will be realised and he emerge as the Cosgrave of India events alone can show.

As a mass movement, with any support in the villages or any record or capacity for sustained organisation, there is no non-Brahman movement in the southern presidency† as a whole, much less in the rest of India.

The majority of the Civil Disobedience prisoners in South India are reported to be non-Brahmans,‡ in spite of the anti-Congress non-Brahman movement.

#### (IV.) SECTIONAL ORGANISATIONS (DEPRESSED CLASSES).

It is difficult to estimate the total number of the "Depressed Classes" in India. The disabilities on sections of the Hindu community arising out of social habits and religious custom vary from one area to another. There are degrees of exclusiveness among the "Depressed Classes" themselves, and in some areas and communities the connection between "theoretical untouchability and practical disability" is less than in others, and disabilities are proportionately smaller. The Simon Commission estimated

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\*(Sir A. P. Patro's Presidential address, Trichinopoly District Non-Brahman Conference, May 7th, 1932.)

† The non-Brahman movement is strong in the Tamil district. The Malayalam, Canarese and Telegu areas of Madras are more affected by the Congress movement than the Tamil area.

‡ There are no figures which can verify this.

the total number at 43.6 millions,\* out of which 28.5 millions are in Bengal, the United Provinces and Bihar, where, according to the Commission, the connection between "theoretical untouchability and practical disability is less close."

These figures do not include the aboriginal tribes; the Census classes these latter as Animists, whilst Hindus claim that they form the outmost fringe of Hinduism. The *Hindu Mahasabha* makes a complaint of the Census classification of aborigines as Animists. The "Depressed Classes" regard themselves as part of the Hindu system, and within their own ranks, caste and all its complexities obtain. A small proportion of these communities have been absorbed into Christianity† and a similar one into Islam. More recently, the Untouchables have asserted their rights as Hindus and have demanded equal rights. Enlightened Hinduism is on their side; political and social awakening has given the Untouchability question national importance.‡

We were in India at the time when Mr. Gandhi had undertaken his "fast unto death," as a result of the provisions of the Prime Minister's Communal Award, which affected the Depressed Classes, and we saw the birth of the latest Hindu offensive against Untouchability.

### The Reform Movement.

During recent years the Untouchables have become organised and the educated among them are politically conscious. The principal organisations of the "Depressed Classes" are "The All-India Depressed Classes Association" and the "All-India Depressed Classes Federation." The former is the older and more widespread body, while the latter, founded by Dr. Ambedkar, has its main following in the Bombay Presidency, where it is virile. There are, besides, myriads of organisations of different castes among the Untouchables all over India. The removal of Untouch-

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\* Census figures of 1924.

† Caste, however, obtains even among some of the Christians in India, and there are Christian churches which do not admit Untouchables for worship, and others which segregate them.

‡ We have dealt with the attitude and policies of the Congress and the *Hindu Mahasabha* towards the Untouchables elsewhere.

ability, however, is a matter about which caste Hindus have been concerned for long, and it has fallen mainly to the political leaders, the social reformers and the Gandhians to promote it. The anti-Untouchability work is now being pushed forward under the auspices of the All-India organisation formed at the end of Mr. Gandhi's fast, "The Servants of the Untouchables Society." This movement has divided up the country into areas, and has, we are told, about 3,000 sub-organisations. It is non-party; Congressmen have thrown themselves into it vigorously and have even shelved, in some cases, non-co-operation, to advance anti-Untouchability work. The organisation is able to raise all the funds it requires. By permission of the Government Mr. Gandhi directs the work from prison.\* A paper called the *Harijan*† is published weekly and the Mahatma contributes the greater part of the material.‡ Large numbers of temples have been thrown open, some in the frenzy of Gandhism that accompanied the fast, some after greater deliberation.

### Attempted Legislation.

The awakening of public opinion in regard to Untouchability found expression in two Bills which were promoted by Indians. Dr. Subbarayan, an ex-Minister of Madras, moved a resolution in the Madras Legislature that the Government should recognise the growing public feeling for the removal of the disabilities of the Untouchables, in regard to public worship, and bring forward legislation to clarify the position in regard to the opening of Temples to them. The resolution was passed without a dissentient.§ The Government took no action. On the 1st December, 1932, Dr. Subbarayan, who is now Leader of the Opposition in the Madras Legislature, presented a Bill for the removal of the "Disabilities of the so-called

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\* This chapter was written before Gandhi was released prior to his fast in May, 1933.

† The new name for the Untouchables given by Mahatma Gandhi. It literally means "born of God." The term has now obtained currency and is even used in Government documents.

‡ The paper takes no advertisements, and yet is able to pay its way; an indication of its wide circulation and the extent of voluntary work put into it.

§ 1st November, 1932.

Depressed Classes." It could not be introduced without the previous sanction of the Governor-General.\* The sanction was refused. About the same time a shorter and more general Bill was sought to be introduced by Mr. Ranga Iyer in the Indian Legislative Assembly. The Governor-General sanctioned the introduction of this measure, which proposed that :

" Notwithstanding anything contained in any existing enactment, regulation or order and notwithstanding any custom, or usage or interpretation of law, no penalty, disadvantage or disability shall be imposed upon or any distinction made or recognised against any subject of the State on the ground that such person belongs to an untouchable caste or class among Hindus, and no court, civil or criminal, shall recognise any custom of Untouchability or base its adjudication on such a custom."

The modern Hindu is very much alive to the problem of Untouchability, and the recent events in India have placed the question in the forefront of issues which agitate the public mind. It is usual to argue that legislation is no remedy against bad custom and that the way of reform by legislation is bound to prove ineffective. A perusal of the statement of objects and reasons of Dr. Subbarayan's Bill will, however, make the necessity of legislation clear. It will also show how important public opinion is in the present state of the law as it affects the Untouchables. Hindu temples are places of " more or less free and equal association of all sections and denominations of caste Hindus "; the right of temple entry is the social index which marks off " Untouchables " from the rest of the Hindu community. Temple entry, therefore, becomes an important factor in social equality among Hindus.† Under the law, as it has been administered, Courts have treated the entry of Untouchables into temples, the use of certain public thoroughfares and wells as an act of defilement punishable under the Indian Penal Code. Secondly, the law of the land and Sec. 40 of the Madras Religious Endowment Act II. of 1927,‡ in the present instance, would render

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\* The Governor-General and Viceroy are one and the same person

† Even people who are not temple-goers and are agnostics regard the right of temple entry for the Untouchables as essential to establishing social equality for them.

‡ Dr. Subbarayan's Bill was for Madras Province.

trustees of temples liable to penalties even where they themselves and public opinion are in favour of changes.\*

### **The Government's Attitude.**

The Government of India, in refusing sanction for the introduction of the Madras Bill, and allowing Mr. Ranga Iyer's Bill in the Assembly to be introduced, argued that the problem was of an all-India character, affecting the religious beliefs of the Hindu community generally, and could not therefore be dealt with on a provincial basis. With regard to the All-India Bill, it was stated that "the Governor-General is not prepared to deny to the Central Legislature the opportunity of considering these proposals," and therefore sanction was accorded for its introduction. But the Governor-General emphasised that:

(1) Consideration of any such measure should not proceed unless the proposals are subjected to the fullest examination in all their aspects.

(2) Such examination could not be confined to the Legislatures but must extend to those outside, who will be affected by them.†

(3) The Bill should be "circulated" and adequate time should be given to all classes of Hindus to form and express their considered opinion.

(4) The sanction accorded does not commit the Government to acceptance or support of the principles of the Bill.

(5) The Government of India retained a free hand to take such action as it considered fit after full consideration and as necessary.

The attitude of the Government came as a disappointment to reformers and to the public. It had been antici-

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\* We were told that in certain instances one worshipper would have the right to bring an action against the trustees if they permitted entry of Untouchables.

† The attitude of the Government in this matter is very unsatisfactory. If the Legislature is competent to represent public opinion in other matters which concern the people such as taxation, tariffs, etc., why should it be considered incompetent for representing the public's opinion on social reform? It has been the unfortunate experience of India that the Government has blocked attempts at social reform, made by Indians themselves, in the Legislatures, as was evident in the case of the Child Marriage legislation, which the Government defeated more than once by the use of the official bloc.

pated that the Government would allow public opinion to assert itself in such a matter and would welcome on the one hand the tide of social reform in the interests of the Untouchables for whom it has always professed sympathy, and, on the other, feed the desire of reformers, which included large sections of Congressmen, to use the Legislatures.\*

The argument that the Madras Bill was inadmissible because the problem was of importance to the Hindu community generally, wears very thin indeed when it is remembered that it is a piece of Madras legislation,† the Hindu Religious Endowment Act of 1927, which stands in the way of public opinion settling this problem, without the aid of legislation. Also the Act of 1927, itself a provincial Act, interfered with and set at nought time-worn customs which affected the Hindu community as a whole. It was not regarded at that time by the orthodox Hindus or the Government as a provincial problem alone, yet it was allowed to pass. The proposed Madras Bill was designed to meet the particular difficulties in the Madras Presidency, and public opinion is not convinced of the Government's argument.‡

The legislation introduced in the Central Legislature has received no support from the official side, while its passage has been obstructed by the tactics of the orthodox Hindu group in the Assembly.

Recent events have definitely broken down the age-long barriers of untouchability. There are in India itself, those

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\* Congressmen boycott Legislatures as part of Civil Disobedience.

† The measure was promoted by a Hindu Minister, but suffered severe opposition from an orthodox section. The question was, however, decided by the Madras Legislature, which voted in favour of Reform. Memorials and petitions were sent to the Viceroy of the day, but the decision of the Legislature received the necessary assent from the Governor and the Viceroy. The Madras Religious Endowment Act places all the temples and other religious institutions in the Southern Presidency under a secular board with wide powers.

‡ This matter was decided after we left India, but we have kept in close touch with the problem, and also were able to gauge public opinion in favour of change while we were in India.

From the results of the voting on the resolution on this question in November, 1932, to which we have referred, it is clear that Dr. Subbarayan's Bill would have become law, if the Government had not obstructed, and the worst area of India, from the untouchables' point of view, would have put an end to the evil in large measure.



who are dissatisfied with the speed with which reform is achieved, and others who fear that the movement is being pushed with undue haste. The orthodox minority have also organised themselves and, while their objection is mainly against the extension of social rights,\* such as temple entry, they have been met on their own ground by the reformers who are accepting few compromises.

### **Untouchables and Swaraj.**

The anti-Untouchability movement, like many popular movements, stands in danger of political exploitation. Official circles have cast doubts on the motives of Congress men and their allies in taking the lead in the struggle. It is suggested that it is to increase the prestige of Congress. Whatever the motive, it may be stated without exaggeration that the anti-Untouchability drive derives its vigour and its momentum from the Congress element and the large-scale achievement that has been possible is due, in the main, to the personality of Mr. Gandhi and the courage and enthusiasm of his Congress followers. Officialdom had the opportunity of equalising conditions; its power has not been exercised in that direction. Dr. Ambedkar, who is a friend of the Government, who co-operated with the Simon Commission, the Round Table Conferences, and the India Joint Committee, summarised the position of the Untouchables in relation to British rule, thus:

“ Before the British you were in a loathsome condition, due to your Untouchability. What has the British Government done to remove your Untouchability? Before the British you could not draw water from the village wells. Has the British Government secured you the right to the wells? Before the British you could not enter the temple. Can you enter there now? Before the British you were denied entry into the Police Force. Does the British Government admit you to the Force?”

In view of the proposed extension of the franchise and the wide attention which the problem has recently drawn, it is in the nature of things that there should be competition for the championship of its claims. The communities can save themselves from such, and other, exploitation only by securing political and economic power. India's political freedom is a necessity in the interests of the Untouchables

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\* Not even the orthodox have so far objected to the extension of political rights to the Untouchables.

as of any other section of the people. Dr. Ambedkar with his acute mind again laid his finger on the problem when he said :

" Nobody can remove your grievances as well as you can and you cannot remove those unless you get political power into your hands. No share of political power can come to you as long as the British Government remains where it is. It is only in a *Swaraj* constitution that you stand any chance of getting the political power into your hands. . . . We must have a government in which men in power will give undivided attention to the best interests of the country. We must have a government in which men in power, knowing where obedience will end and resistance will begin, will not be afraid to amend the social and economic code of life which the dictates of justice and expediency so urgently call for. This role the British Government will never be able to play. It is only a government which is of the people, for the people and by the people, in other words, it is only the *Swaraj* Government that will make it possible."

Political awakening and the anti-Untouchability movement have stirred these people. They have in recent years established themselves as integral sections of the Hindu community.\* The present divisions, within their camp and about the future, centre round the question of Joint and Separate electorates, in other words, whether the Untouchables should develop outside the Hindu fold, or obtain and retain their status inside it. This issue divides the All-India Depressed Classes " Association " from the " Federation," and Rao Bahadur Raja from Dr. Ambedkar.† The former concluded a pact with the Hindu leaders (the Raja-Moonjee Pact), which is based on the principle of an undivided Hindu community in the constituencies, and an adequate number of seats in the Legislatures being safeguarded by a reservation of them, on a population basis. The pact further conceded the right to the Depressed Classes to contest additional seats. The Poona agreement, concluded after Mr. Gandhi's fast in October, 1932, to obtain a revision of the Prime Minister's Communal Award, now holds the field. It is a compromise between the Raja-Moonjee Pact, Dr. Ambedkar's demands and the Lothian (British) basis of franchise.

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\* This was achieved largely by the section led by Mr. M. C. Rajah, who came to a settlement with caste Hindus.

† Dr. Ambedkar's memorandum to the Simon Commission is, however, the strongest and the most lucid case ever made against separate electorates. He has lately become an advocate of separate electorates and was opposed to Mr. Rajah's party till the Poona agreement.

We have already dealt in these pages with the social and educational work that is being done everywhere in India for the betterment of the Untouchables. The unbiased observer will credit the anti-Untouchability movement in India, both the older movement which began about half a century or more ago, and the present advance, with achievements of no mean extent or character.

#### (V.) SECTIONAL ORGANISATIONS (SIKHS AND OTHERS).

The Sikhs are one of the most organised communities in India. Their religion is democratic and their places of worship are centres of social and political life. They are disciplined and appear capable of great cohesion and endurance in any cause to which they are pledged. The Sikhs were rulers of the Punjab, and they reached the height of their power under Maharajah Ranjit Singh. The British conquered the Sikhs in 1849. During the mutiny, according to British accounts, the Sikhs were on the British side; the British were anxious to retain Sikh loyalty to the British Raj. Sir John Lawrence wrote in an official despatch: "Should the Sikhs rise, our condition on this side of the Indus will be well-nigh desperate." The Sikhs, about whom a British historian said, "We could not regard with contempt the military prowess of the nation which had sent forth the men, who in the great battle of the Sutlej (1849) had taxed to the utmost the skill and valour of Harding and Gough, with the best troops of the British Empire at their back, and had driven our dragoons like sheep before them on the plain of Chilianwalla," were friendly to the British Government till the beginning of the century; to-day they are for the most part in opposition. The contributing causes are:

(1) The treatment of Sikhs in British territory abroad, notably Canada.

(2) The attempt to disarm them by taking away the *Kirpan*.\*

(3) The consciousness of the part they played in the War, in Mesopotamia, Gallipoli, and on the Western Front.

(4) Government interference with the National College. (Government took control of the Khalsa College in 1907.)

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\* A small sword, which the Sikhs consider their weapon of honour.

(5) The use by Government of the authority of their religious institutions, against Sikh opinion, to advance Government's views, and the latter's alliance with notorious men whom it had appointed as temple managers.

(6) The stage managing of a presentation ceremony, at which the Government-appointed manager of the Golden Temple of Amritsar awarded a Robe of Honour to General Dyer.\*

(7) The tragic incidents in connection with the movement to obtain control of the Gurudwaras, in which the Sikh community organised itself against the Gurudwara managers, who had the active support of the Government officials and police.

The situation has been made worse by the Prime Minister's *Communal Award*, which the Sikhs have rejected. The Award has welded the Sikhs together; even the Sikh gentlemen who co-operated with the Simon Commission and the Round Table Conference are now in opposition. At mass gatherings in temples the Sikhs have pledged themselves to oppose the Premier's award.

We met Sikhs who were in the Government, Congress Sikhs, students, Sirdar Ujjal Singh, delegate to the Round Table Conference, and the Sikh peasants of the villages. We also met Master Tara Singh, who is President of the "Shiromani Gurdowara Parbandhak Committee"† and of the Central Sikh League.

The position of the Sikhs may be stated thus:

(1) With the exception of a few individuals, they are all in complete hostility to the Government and determined to wreck the new Constitution.

(2) They are, as a community, behind the Congress. But the majority are displeased with the Congress, which they think is inclined to sacrifice the Sikhs to placate the Moslems.

(3) There are quite a number who are 100 per cent. Congressmen.

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\* This was the last straw. General Dyer and his friends called this incident as evidence of Sikh endorsement of his conduct. The Sikhs felt scandalised and were infuriated. It led directly to militant action for popular control of the Gurudwaras (temples) and many tragic incidents over a period of several years. The dispute still drags on, while hostility and bitterness is rife.

† The organisation that is fighting for Sikh control of the temples, and has been in many conflicts with the police, officials and troops. Master Tara Singh is interned in a village where we met him.

(4) The Sikhs are prepared to give up their demands for reservation of seats, communal electorates and all such safeguards in national interest, i.e., if the Constitution is based everywhere on a general electorate and no reservations, but they are not prepared to "surrender to the Moslems in the Punjab" for anything less.

(5) Leading members of the community, as well as the men in the villages, say that "the Sikhs in the army are our kith and kin and cannot be expected to be more loyal than we are."

(6) In the Punjab the Sikh-Moslem tension is acute,\* and the Sikhs insist that there shall be no statutory majority for any community.

The more sectarian demand comprises seventeen points, which include Sikh representation in provincial and central cabinets, services, army council and the Legislatures, the supreme control of Indian and Provincial affairs in a responsible central government and provisions for preservation of their script and culture.

The events of 1932 have welded together the Sikhs and the Communal Award appears to have further isolated them from the British Government and brought them into greater amity with the Hindus of the Punjab and Indian nationalism generally.

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\*The Sikh, however, is not anti-Moslem in a general sense. He is concerned primarily with the situation in the Punjab and does not nurse a grievance against Moslems in the rest of India. In the North-West Frontier Province we found that the Sikhs in the villages were very friendly to the Pathans (Moslems).

## CHAPTER XI.

### SUPPRESSION OF THE NATIONALIST MOVEMENT.

"In so far as the present movement involves any of the forces that we call nationalism, I would repeat what I have said more than once, that an attempt to meet the case with rigid and unyielding opposition is merely to repeat the unintelligent mistake of King Canute."

(Lord Irwin at a farewell dinner in India.)

"To us it is by this time abundantly clear that the movement cannot succeed so long as Government maintains its existing policy."

(His Excellency Lord Willingdon, 5th September, 1932.)

"Ideas cannot die. You may crush individuals who compose or form a part of the Congress, it will not die."

(Sir C. P. Ramaswamy Aiyar, Commerce Member of the Government of India.)

#### (I.) THE AIM OF THE GOVERNMENT.

**T**HE appeal\* made by the Government of India to the people on January 4, 1932, must be accepted as the official explanation of the policy which lay behind the Ordinances, and governed the course of the repression that followed. The manifesto referred specifically to Congress and its activities which it regarded as illegal, unconstitutional, subversive and intolerable. The Congress movement, its activities, its influences and its attitude had to be dealt with drastically. Speeches made by the Secretary of State for India and the spokesman of the Indian and Provincial Governments during the year elaborated this view. The Government aimed at a knock-out blow; Sir Samuel Hoare said in the House of Commons that the Government was not aiming at a "drawn battle"; Sir Harry Haig said that it was not a game with rules and so far as the Government was concerned there was no time limit. The issue, to his mind, was "whether the Congress was going to impose its will on the whole country and dictate the constitution. On that issue, so far as the Government

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\* See Chapter IV. Sec. iii.

was concerned, there was no time limit.”\* Spokesmen of local Governments spoke in even less restrained language. For instance, Mr. A. G. Thomas, of the Bombay Government, told the Legislature that “war is not fought with gloves on.” The language of “war” was employed both by the Secretary of State in his speeches in the House of Commons, and by officials in almost every province in India.

### “War.”

On the Congress side also it was “war.”† The Congress organisations in some provinces, though not all over India, were called “war” councils. Though suppressed, they were ready for passive resistance and for a protracted struggle. We have already dealt with the methods employed by Congress.

The plan of a “wholesale attack” on its opponents, which was the aim of the makers of policy of the Governments at Delhi and the Provincial capitals was carried out with excessive zeal and obviously beyond the bounds of even the law‡ as obtaining under the ordinances. In its operation repression was not confined to Congress, nor were the Bengal Ordinances and the severe measures taken under them confined to terrorists. In the North-West Frontier Province the situation was much worse§. There was no martial law in name, but some of its worst features obtained.

### Methods.

The particular methods of resistance adopted by Congress dispensed with the necessity of the use of armed force on a war scale and of military occupation, though firing and occupation by armed police was not infrequent. It was inevitable under the procedure and the powers sanctioned by the Ordinances that those who opposed the policy of

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\* Assembly Debates 1932, Vol. V., page 1128.

† The term appears to have been used in the City of Bombay by Congress. Both in India and in London responsible spokesmen of the Government also used similar language.

‡ We have discussed this aspect elsewhere in these pages.

§ The situation on the North-West Frontier Province was akin to that of an occupied area in war and we have dealt with this in a special chapter.

the Government, whether Congressmen or not, should be in danger of being dealt with under them.

The methods adopted included :—

- (1) Declaring illegal disapproved organisations (not merely Congress).
- (2) Confiscation of funds of Congress and other disapproved organisations.
- (3) Control and right of examination of accounts of those likely to subscribe to any congress or to allied activities.
- (4) Arrest and imprisonment of leaders, national, provincial or local (right down to the village leaders) in the first few weeks of the ordinances.
- (5) Use of excessive force in dispersal of assemblies, ill-treatment in lock-ups and gaols.
- (6) Intimidation of villages, crowds, etc.
- (7) Mass punishments, punitive impositions, victimisation of neighbours, relatives, etc.
- (8) Confiscation of lands, cattle, utensils and personal belongings.
- (9) Ill-treatment of women and children.
- (10) Police and executive action and severe penalties for technical breaches of the law.
- (11) Illegal police and executive action against flag-hoisting, use of handspun, closing of shops, processions, etc.\*
- (12) Censorship of the press, interception of correspondence, and interference with travel, etc.
- (13) Imprisonment after summary trials or without trials.
- (14) Searches, with or without warrant.
- (15) Prohibition of meetings, or assemblies of more than five persons, and surveillance over every kind of meeting.†
- (16) Beating of pickets and volunteers.
- (17) "Parole" orders (cat and mouse procedure).
- (18) Externment and internment at executive discretion.

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\* We could not obtain in India any accurate figures of the number of men employed by the Governments in the C.I.D. and for espionage purposes, though obviously it is very large.

† The ordinances by definition made even private gatherings into public meetings. Law courts have in several instances decided that these actions for which police arrested or beat Congressmen are not illegal. Chairmen and officials of municipalities in India have been penalised for hoisting the Congress flag over municipal buildings.



- (19) Marching of troops through villages ("showing the flag").
- (20) Police surveillance on an unprecedented scale.
- (21) Destruction of property and closing down of social service and similar institutions.

### **Official Propaganda.**

Government have also attempted propaganda which has been singularly unsuccessful. It has, in addition to officially-sponsored leagues\* and subsidised newspapers, made use of elementary school teachers and village Headmen (official) for disseminating Government propaganda and attacking national leaders and Congress. It has used official patronage and prospect of promotion for the lower services for the same ends†. Officials holding temporary or acting posts and those who are members of the Provincial services and yet hold offices usually held by Imperial Service men are found to be more zealous in operating the Ordinances.‡

The insistence on the reassertion that Government is following a "dual" policy and that a constitution is on the horizon has also been responsible perhaps for a certain degree of acquiescence if not qualified support given to Government. There were those who genuinely hoped that constitutional advance would in some measure alter the state of affairs, while there were others who saw in it opportunities of office and preferment.

### **(II.) ATTACK ON CONGRESS RESOURCES.**

In succeeding chapters we have discussed the process of suppression at work, all over India, in the shape of police excesses and violence to the persons and property of Congressmen, sympathisers, and the people generally. We have cited instances of excesses, allegations of cruelties made by responsible Indians, and of the official explanations and denials. We have also presented samples of medical and other documentary evidence in relation to individual

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\* See chapter on Officials.

† We came across instances of these and had the opportunity of discussing the working of the ordinances and propaganda with men of this type. Also see chapter on Officials.

‡ See Questions in the Bombay Legislature on the 23rd November, 1932.

cases and specific areas. The appendices at the end of this report which relate to this subject serve to indicate the proportions which these methods of preventive and punitive action had attained.

### **Bases of Policy.**

The repressive measures and the policy followed in pursuance were intended to deliver a knock-out blow to the Congress opposition,\* to give it no time to prepare or mobilise and no reserve or opportunity to recover from the initial blow. Thus the whole policy has a threefold basis:

- (1) Cutting off of resources, supplies and leaders.
- (2) Overthrow of resistance and prevention of further influx of strength to it by the severity of measures calculated to inflict physical and mental pain and moral humiliation.
- (3) Uncompromising hostility to all forms of the expression of the Congress spirit, or any manifestation of Congress activity, whatever its character.

Every one of the methods employed, which we have enumerated earlier in this chapter, and the action taken in pursuance of them, to which we refer in subsequent chapters, has its basis in one or other of these three ideas.

### **Funds and Resources.**

The clauses of the Ordinances relating to powers of search, confiscation, commandeering of premises, goods and services, control of posts and telegraphs, and forfeiture of funds, fully armed the Executive with powers to cut off the supplies of the opposition at the source and to intimidate its sympathisers into isolation. Under clause 7 of Ordinance IV. of 1932, renewed by clause 63 of the Emergency Powers Ordinance (Ordinance X. of 1932), the Government could control and forfeit any funds which it suspects of being held or used for the purposes of an unlawful association, and may for that purpose examine anyone's books or securities, or make any inquiries or searches it may choose.†

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\*The Secretary of State for India, in the House of Commons, and Sir Harry Haig, in the Indian Assembly, have been very explicit on this point.

† These powers are now incorporated in legislation which will be operative for three years.

The other provisions to which we have referred, similarly cut off leadership, and the Government anticipated that in this way Congress would be rendered powerless in a short time. There is no doubt that the demonstrative actions of Congress have been checked by this weapon, and its propaganda seriously crippled, but it did not paralyse the Congress as had been anticipated. Its effect has been to drive the Congress organisation underground and to induce changes in tactics, and to make it more reliant on the masses. The action taken under these clauses, however, has been very thorough, and it placed the property and liberty of quite innocent people at the mercy of official "suspicion." Public organisations, the source of whose supplies and whose programmes are well known, have come under the confiscatory regulations and activities of the Government.

### **Some Cases.**

(1) *The Madras Mahajana Sabha.*—The officials of this organisation were served with orders under Section 7 of Ordinance IV. of 1932, as persons believed to be in custody of moneys intended to be used for the purposes of an unlawful association. The matter was raised by interpellation in the Madras Council, and the Home Member stated that the Sabha was not an unlawful association, that the unlawful associations mentioned in the order were the Congress committees, that the Government's information was of a confidential nature and could not be divulged. Further questioned in what capacity these persons were proceeded against, if not as officers of the Sabha, the Home Member merely repeated his printed answer, which we have summarised above.

(2) *The Gujerat Sabha.*—The Bombay Government forfeited two sums of Rs. 17,199.7.0 and Rs. 16,818.13.0, belonging to the Gujerat Sabha, held in the joint names of Mr. V. J. Patel, ex-Speaker of the Legislative Assembly, and Mr. Mavalankar, Chairman of the Ahmedabad Municipality. The order, dated 7th April, 1932 (also under Section 7 of Ordinance IV. of 1932), stated that the Governor in Council "is satisfied after due inquiry that the said amounts were intended to be used for the purposes of the Gujerat Provincial Congress Committee or the Gujerat Prantik Samiti."

Mr. Mavalankar addressed the Government on this matter. He stated (1) that if there had been an "inquiry," it must have been an *ex parte* one; (2) that the funds do not belong to the unlawful associations; (3) that the order does not suggest any overt act whatever, or the use or attempt to use funds for the purposes of an unlawful association; (4) that the Government had already issued an order on the 13th February, 1932, prohibiting the Bank of India from "paying, delivering or otherwise transferring in any manner whatsoever" the funds in issue, and therefore there could be no question of their being used for the purposes of an unlawful association; (5) that he had furnished the police authorities with the fullest particulars about the funds, including the books of the Sabha, and it had been established that the fund was the arrears and accumulated interest of an influenza and famine relief aid raised by the Sabha in 1918-1920; that no questions were asked of him by the police about any intention of using the money for any other purpose and that the disbursements show that it has not been used for any but the stated purposes; (6) that the money could only be used by the two trustees with the concurrence of the other members of the Sabha and for famine and epidemic relief alone; (7) that the deposit of Rs. 19,199.7.0 due for payment on the 15th November, 1932, had been renewed in January for one year, clearly showing that there was no intention of using the money for any purpose; (8) that the suspicions of Government had been roused because the Sabha had a current account with the Gujarat Congress Committee and its deposit with the Bank of India started with two cheques drawn in the Sabha's favour by the Gujarat Congress Committee in 1928, and that Mr. Mavalankar explained all these facts to the Superintendent of Police; (9) that the character of the Congress Committee in 1928 was such that the suspicion was not justified\*; (10) that in these circumstances the order was neither a judicial nor a judiciary exercise of the power under the Ordinance, and therefore it was requested that the money should be returned.

The Government's reply was that before the forfeiture order was passed, the evidence was examined very carefully

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\* In 1928, the Congress had not adopted Civil Disobedience as its programme, and it was not an unlawful association. It had not even declared for Indian "Independence." (See chapter, "The Congress.")

by the Government with the assistance of legal advisers, and the facts mentioned above were known and taken into consideration, and therefore Government saw no reason to revise the decisions or "enter into any further discussions on the subject."

The funds stand confiscated, there is no legal remedy, and the Government cannot be called on to explain.

(3) *Other Cases.*—The case of Dr. Marfatia cited in Chapter XVI. shows how the evidence on which confiscatory action of this kind is taken is regarded by a proper court of law, namely, the High Court of Bombay. Similar action taken in regard to premises has also been indiscriminate, and innocent parties have been victimised; for instance, in June, 1932, the authorities in Nasik auctioned the furniture of the Town Hall. The local Congress Committee had offices in the building prior to its being declared an unlawful body, but the furniture belonged to the Town Hall, for which the Hall trustees were responsible. It was apparently a facile presumption that the property belonged to the Congress.

### (III.) SEVERE MEASURES.

In this category should be included severe measures permitted by law or Ordinance, illegal use of force and executive power, and the interpretation and use of Ordinance powers in such a way as to spread the net of repression very wide.

Under the two former categories, the most widespread and thorough forms of action were the deprivation of property and liberty and the excessive and vindictive use of force by the police and the prison official. We deal with these in subsequent chapters.

#### **"Parole"\* Orders.**

The Ordinances gave power to the executive officers to detain for fifteen days persons, against whom there were "reasonable grounds" for suspicion that they had acted or were "likely to act" in a manner prejudicial to public

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\* It is a mistake to speak of parole, as the prisoners do not give parole.

safety. The period could be extended to two months with the permission of the Local Government.

In fact, the permission of the Local Government meant either the Police Department or the decision of the "man on the spot," in the outlying areas.

At the end of this period the person, against whom no charge has been preferred, is released and asked to report to the police, usually three times a day. Such orders are in the majority of cases disobeyed, even in instances when the person ordered is not a civil resister.

Often the person is re-arrested in a few minutes or a few hours after release, and cases are on record where arrests have taken place before the end of the time allowed for reporting, and where the time allowed is not even sufficient to enable the person to go from the prison to the specified police station.

The aim of the procedure is to create an offence. The order to report is one that is made under the Ordinances, and refusal to comply with it renders one liable to imprisonment up to two years. In the majority of cases the actual sentences have ranged between twelve and eighteen months.

### **A Drastic Procedure.**

The procedure followed is more stringent than that contemplated and permitted even in the days of the East India Company, in the Bombay Regulation XII. of 1827, enacted in the days after the British conquest of the Maharrattas and in the ferment that led up to the Mutiny of 1857.

That regulation did not require a man to give parole or to report at a police station.

The Criminal Procedure Code and the Indian Penal Code, drastic as they are (the latter has been called "Britain's grim gift to India"), provide for the control of the citizen's movements by the executive and to a certain extent bar judicial process, but they provide certain safeguards, by limiting the validity of orders so promulgated to two months and by providing for a summary inquiry.

Under these, punishment for disobedience follows, only if disobedience tends to cause "annoyance, obstruction or injury."

The Law Commissioners say about this section :

"Experience shows us that it is a disposition which is often found in company with the best intentions, with great activity and energy and with a sincere regard for the interest of the community. A public servant of more than ordinary zeal and industry, unless he have very much more than ordinary judgment, is the very man who is likely to harass the people under his care with needless restrictions. We have, therefore, thought it necessary to provide that no person shall be punished merely for disobeying a local order unless it be made to appear that the disobedience has been attended with evil, or risk of evil. Thus no person will be punished for disobeying an idle and vexatious order."

### **A Judicial View.**

The provisions made under the Ordinances and now under the " Ordinance Act " correspond to the one which applies to criminal tribes. Justice Nanavatti, in his dissenting judgment in *King-Emperor vs. Phansalkar*, says :

"Section 565 of the Criminal Procedure Code enables orders to be passed against persons requiring them to report themselves periodically to the police, but such an order under that section can only be passed against a person who, having been convicted of a serious offence like theft or housebreaking, is again convicted of a similar offence. In practice such an order is rarely passed against a person who has not had several convictions. Similarly, orders to report to the police are also passed under the Criminal Tribes Act against members of such tribes. It is therefore clear that such orders are originally passed only against persons who have been proved to be of the very worst character and who in fact are the dregs of society."

### **Legal basis of " Parole."**

It is also to be noted that not even the Ordinances, drastic and comprehensive as they are, actually provide for this procedure directly. It is based on the *interpretation* of Sec. 4 (1) (d) of the Emergency Powers Ordinance, which says that any person to whom an order is issued under the section, "shall conduct himself in such manner, abstain from such acts . . . as may be specified in the order."

Mr. Justice Nanavatti's comment on the procedure, which we have quoted, indicates the character of these "parole" orders.

Practice has proved that it is a "legal" way of creating an offence, and rendering "wanted" persons liable to long terms of imprisonment.

The learned judge also refers in his judgment to the effect of the infliction of heavy penalties in such cases as

the one before him (King-Emperor vs. Phansalkar) on the faith of the public in the administration of justice.

### **Whipping and Flogging.**

The Bombay branch of the European Association urged the Government that "picketing and other forms of Congress activity should be made punishable by whipping."

Magistrates sentenced youths to whipping, and the practice was extending all over India. The Bombay Social Service League protested to the Government of Bombay. The reply was that magistrates had power to award sentences of whipping and that the "Governor in Council did not feel it open to him to direct that any part of the law shall not be used merely because its use does not accord with the sentiments of a section of the public." The reply further stated that it was open to the League and others who agreed with its view to move the Indian Legislature to modify the existing law.

The whipping of juveniles was followed by flogging of adult volunteers. Volunteers who were guilty of picketing, hoisting Congress flags or Civil Disobedience, such as breaking forest laws, were sentenced to be flogged.\*

### **Official Figures.**

We did not obtain the official figures for whipping in 1932, but that it obtains on a large scale in India and is part of approved Government policy is shown by the answers given by Mr. R. H. Butler, the Under Secretary of State for India, in the House of Commons.

Mr. T. Williams asked the Secretary of State for India† the number of persons sentenced to whipping in each of the Provinces of British India during the years 1931 and 1932; and whether whipping is still imposed as a punishment in respect of political offences not involving violence?

The Under-Secretary of State for India (Mr. Butler): I am circulating the figures for 1931. Those for 1932 are not yet available. As regards the second part of the question there has been no recent alteration in the law. The offences, whether political or otherwise, for which whipping may be inflicted, are stated in the Indian Whipping Act, 1909, and the Whipping (Burma Amendment) Act, 1927.

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\* Also see chapter on Political Prisoners.

† Cf. Hansard, 13 June, 1933. (Oral answers: India.)



Mr. Williams: Does the hon. Member agree that persons prosecuted for non-violent action should still be subjected to whipping?

Following are the figures:

Number of persons sentenced to whipping in the year 1931:

Madras	...	...	...	...	...	...	69
Bombay	...	...	...	...	...	...	555
Bengal	...	...	...	...	...	...	270
United Provinces	...	...	...	...	...	...	960
Punjab	...	...	...	...	...	...	437
Bihar and Orissa	...	...	...	...	...	...	133
Central Provinces and Berar	...	...	...	...	...	...	408
Assam	...	...	...	...	...	...	54
North-West Frontier	...	...	...	...	...	...	135
Burma	...	...	...	...	...	...	3,168
Total	...	...	...	...	...	...	6,189

### Treatment of Women Resisters.

The humiliating treatment and intimidation of women is another notable item in the programme of official severities. The Government had issued denials in many cases, notably in what has become to be known as the Benares Women Case,\* which aroused public sentiment in India. A public meeting to protest against this incident was held in Benares, presided over by the Pundit Malaviya. The meeting demanded a public inquiry.

### Officials Disagree.

A magisterial inquiry had already been ordered by the District Magistrate, and the Deputy Magistrate,† who made the preliminary inquiry under his instructions,

- (1) examined all the eight women in the case.
- (2) had four of them examined by a lady doctor.
- (3) held an identification parade of 100 constables.
- (4) examined the constables against whom the charges were made.

\* We cite this case as an instance in spite of the Secretary of State's denials. We received reports of a number of other cases of ill-treatment of women when we were in India.

† The Deputy Magistrate in the case was an Indian, Mr. T. Prasad. The District Magistrate, Mr. Owen, in his judgment characterised Mr. Prasad's inquiry as "completely valueless and entirely unworthy of a responsible and experienced officer." Mr. Owen, when he issued a *communiqué* saying that a *prima facie* case had been made against the police, had all the facts on which Mr. Prasad came to his conclusions before him. Apparently they warranted the conclusion that there was a case against the police.

After recording further evidence, the Deputy Magistrate "found that the police were undoubtedly guilty."

The result was communicated to the District Magistrate. Five constables were suspended and their prosecutions ordered.

The District Magistrate himself tried the case.

The District Magistrate rejected the sworn statements of the eight women and accepted that of the accused police constables and acquitted them.

### **An Insinuation.**

In his reply in the House of Commons the Secretary of State said that—

- (1) The case was a malicious concoction.
- (2) That the preliminary inquiry was worthless.
- (3) That the women were "not members of respectable\* families, but Hindu widows who had left the protection of their husbands' families and had no visible means of support."

The insinuation in the third item is one which attempts to discredit the women's story by reflections on their characters. That the Secretary of State should have chosen to make such a statement against those who have not the access to the publicity that a Minister of the Crown has, is regrettable.

### **Our Testimony.**

We examined one of these women, Bagala Devi, while we were in Benares. Whatever may be the facts of the case itself, we should like to place on record our view that the insinuation in the official statement to which we have referred is wholly unfounded.

The lady is a widow, aged 22, and stays with her mother and brother. Her father was a physician. She is a Brahmin. Her husband owned a little property in Jessore, and she still receives some support from her husband's brothers.

The suggestion contained in the official statement is as untrue as it is wicked.

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\* The facts that we have given about the social standing of the women in this case should not be taken as an expression of opinion, on our part, that treatment of the kind meted out to them would have been justified if they were of a different social standing.

### **Official Allegation Refuted on Oath.**

The District Magistrate says of another of the women :  
"Kulada Devi is an unattached woman, by trade a maid-servant. She varied this by being the kept woman of a Bengali for a year."

The lady was in jail, and we could not meet her. The statement taken by Pundit Malaviya from Banamati Das, who is the alleged paramour, says :

"Kulada-Ma (Mother Kulada) is a respectable Brahmin widow. She is about fifty years old. I am thirty, and married and have two children. For the last eight years I have known Kulada-Ma. She has always treated me as a son and I have treated her as a mother. The suggestion that there has been any improper relation between me and Kulada-Ma is a wicked lie."

Kulada Devi was a Brahmin cook, who in India is rather different from a maid-servant, as she is described by the District Magistrate, who is a British official. He cannot be expected to know these differences.

### **Medical Evidence.**

The Secretary of State further asserted that he felt sure that the victims were medically examined. One of the doctors who made the examination was never called to give evidence, and the other, Dr. Thungamma, was not examined on certain points, and the inference drawn from her testimony is unwarranted.

Kulada Devi stated in court that she had been examined by Dr. Amarnath, a well-known practitioner in Benares, but he was not called. Pundit Malaviya questioned Dr. Amarnath, who stated :

"I quite remember that a middle-aged woman, who said she was a Congress volunteer, came to my residence in the afternoon of 12th March, 1932. I remember it because she complained that she had been beaten and kicked by the police the night before. I examined her and found she had a swelling on her right thigh. It was very tender and partially discoloured. I gave her liniment to apply. She did not come to me again. About three days after that, another Congress volunteer, this time a young woman, came to my dispensary and complained of pain in her back and of fever. She also said she had been beaten by the police three or four days earlier. I examined her and gave her two prescriptions, one for application and the other for taking internally. I find copies of the said prescriptions entered in my Mangala Pharmacy Register as Nos. 504 and 505, under date 15th March, 1932. Her name is mentioned there as Bagala Sundari Devi."

### **Prosecution for Perjury.**

Lord Winterton, M.P., inquired whether any steps were being taken to prosecute for perjury persons both in India and this country who have repeated these statements.

Major Beaumont Thomas inquired what action was being taken against the *Aj* newspaper, which Sir Samuel Hoare alleged, was responsible for concocting the story.

To both questions the Secretary of State replied that he was already making inquiries.

### **The Pundit's Challenge Still Open.**

Over a year has elapsed and no prosecution has been launched. Pundit Malaviya has published affidavits, and the facts of the case, and repeated his allegations asserting that the police lied, that the whole defence is a concoction, and that the treatment of the women was revengeful and inhuman. He has also stated that the District Magistrate "unwittingly added gratuitous insult to injury." He has also referred to the viciousness of the extra-judicial system of the Ordinances.

The pamphlet, "The Congress Women Volunteers Case of Benares," is signed by Pundit Malaviya and is published by his son. No prosecution has been launched against either of them so far on account of this publication.\*

### **Women Left in Jungles.**

Mr. Neogy,† M.L.A., referred to another form of terrorisation of women, which he said obtained in his district. Our information, gathered in the different Provinces, is that the alleged method was widely used in other parts of India as well, particularly in Gujerat and Madras.

Mr. Neogy stated that ladies were arrested, taken into custody, then taken some miles away from their homes or places of arrest to island *Chars*. Mr. Neogy explained that "there are small islands thrown up in the middle of the

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\* In a similar case more recently, the Pundit challenged the Government and Sir Samuel Hoare to prosecute him if they were sure that he was making himself responsible for false statements, as they asserted, but the challenge was not accepted.

† Assembly Debates, Vol. V., No. 7. (1932).

rivers of Eastern Bengal, and these *Chars* are in many cases uninhabited and full of jungle. The ladies are left in these places at dead of night. Mr. Neogy also stated that he had with him several statements from persons who had been treated in this fashion.

#### (IV.) SUPPRESSION OF OPPOSITION.

We have quoted elsewhere in this Report the avowed aim of this maintenance of law and order aspect of the "Dual Policy," as envisaged by Government spokesmen, like Sir Harry Haig and Sir Samuel Hoare. Some of the methods adopted in pursuance of this aim are dealt with in succeeding chapters.

#### **The Government Programme.**

We cannot, however, do better than refer the reader to the memorandum of the Bombay branch of the European Association to the Bombay Government, which we have cited on p. 470, for a resume of the measures. Though the memorandum itself is only a body of suggestions to the Government during the Truce period, it conforms in every detail to the policy which was adopted during 1932.

Among the more thorough of these means are: (1) the operation of the Unlawful Associations Ordinance; (2) the humiliating of Congress leaders; (3) mass arrests and the imprisonment of practically all known Congress workers in the first few weeks.

#### **Unlawful Associations.**

These were carried out on an extensive scale. An association became unlawful if the Government declared it so. The categories of the associations penalised will show that the Ordinance was operated against all and sundry whom the officials suspected. They include:

- (1) Congress Committees.
- (2) Nationalist Moslems.
- (3) Jamait-ul-Ulema.

- (4) Labour Organisations and Welfare Centres.
- (5) Foreign cloth boycott committees.
- (6) *Swadeshi* leagues.
- (7) *Ashrams* and rural work centres.
- (8) Prohibition committees.
- (9) Women's organisations (non-political).
- (10) National Christian Party.
- (11) Anti-Untouchability committees.
- (12) Volunteer organisations.
- (13) Educational institutions.
- (14) Municipal Committees.\*

### An Instance.†

As an instance of how the powers under the Ordinances were being used by the Executive, Mr. Gaya Prasad Singh gave an instance of an occurrence in his own Province, which may be cited as an example and corroborates our own information in similar cases reported to us.

In Mr. Singh's own town of Dinapore, a number of shop-keepers closed their shops on "Peshawar Victims' Day," and the matter was brought up before the magistrates. "The accused were handcuffed, they were tied with ropes and were refused bail."

On his order sheet the magistrate wrote :

This is typical of Civil Disobedience, and it follows that all shop-keepers who closed their shops and observed *Hartal* on that day were assisting in the operations of an unlawful Congress association and are guilty under Section 17 (1) of the Criminal Law (Amendment) Act."

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\* Some of these were mentioned in the speech of Mr. Gaya Prasad Singh in the Assembly on the 10th November, 1932.

Sir Harry Haig interjected the remark, "Can you judge them by their names?" Mr. Singh challenged him to produce evidence to show that they had been engaged in unlawful activities. No reply was returned.

† We are giving only one instance here. Succeeding chapters refer to some others. We ascertained the facts, and have in our possession the particulars of many more.

### **Mass Arrests of Leaders.**

In the first four days of the Ordinances, National, Provincial and local leaders of the Congress movement were all clapped in jail. This skimming off of the leaders right down to the lower strata was expected to paralyse Congress quickly. Mass arrests and mass trials were common in the early part of 1932. Offences were created by serving orders on people who had been guilty of no overt act, or found guilty of any offence or transgression, either not to leave specified areas or to leave them in twenty-four hours or some such period. Since most of these men, if they were dangerous, could be equally dangerous in one place as in another, the purpose of these externment or internment orders was to render them guilty of an infringement of orders under the Ordinances which would make them liable to imprisonment up to two years. Under this procedure non-Congressmen, and Congressmen who do not agree with Civil Disobedience policy, were forced into opposition and sent to prison.\*

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\* Cf. Mr. Phansalkar's case (page 322). These "parole" and other orders are regarded as humiliating, and self-respecting Indians feel that they should disobey them. This view is not confined to Congressmen.

## CHAPTER XII.

### POLICE AND THE LAW.

"... As things are, the policeman in his red *pugree*, the village *thana* and the whole hierarchy of the force tend to be regarded as the embodiment of all that the Indian politician criticises and declaims against."

*The Simon Report, Vol. II.*

"Sir, it would be sheer madness on the part of the Government to expect that we should develop in us a sort of statutory affection for the Government agents who go and subject our sisters and daughters to *lathi* charges, and, if we are forbidden to break their heads in retaliation, surely you do not expect us to love them."

*B. R. Puri, M.L.A. (Assembly Debates 26th September, 1932).*

#### (I). THE INDIAN POLICE.

THE proceedings of the Provincial Legislatures and the Indian Legislative Assembly at New Delhi during 1932 will show that the complaints and serious allegations against the police are neither limited to any part of the country nor infrequent in occurrence.

The debates on police grants, in the Legislatures, always brought forth from the members, all co-operators with the Government and political opponents of the Congress, a variety of complaints, charges of excesses and brutalities and appeals for better conduct on the side of the police. The Government has invariably either denied the charges or dismissed them as grossly exaggerated. When particular instances or series of them have been brought up they have been countered by the argument that "minimum force" alone was used.\*

It is not our purpose in this chapter to catalogue all the police horrors which we either witnessed or about which

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\*The "minimum force" argument appears to be a very favourite one with the Home Member of the Madras Government, Sir Mahomed Usman. There has been an amazing degree of police excesses in that Province and particularly in the Telugu and Malabar country. Police excesses reached a state of terrorism. A perusal of the Madras Legislature proceedings will justify this comment.



we obtained first hand or reliable information. The few instances that we give in the next chapter are intended to convey to the British reader, on whom the ultimate responsibility for the happenings in India rest, some impression of what the Indians call police *Raj*.<sup>\*</sup> To the ordinary Indian the police represents the power of the British Government. We discovered that in India the policeman is not looked upon as a protector of the peace, nor have the public any confidence in the police as in this country. This statement would, according to our information, be true even in normal days, even when there are no Ordinances.<sup>†</sup>

### Organisation.

Central Police Organisation is one of the functions of the Government of India in its Home Department. But the police forces of India are not directly under its control. Each Provincial Government has its own police organisation and Intelligence Department.<sup>‡</sup> The Police Act of 1861 and the Special Acts of Madras (1859) and Bombay (1890) govern the workings of the whole Indian police system. The police in India are Provincial forces; there is no *Indian* police in the strict sense of the word. The Governor-General has, however, general control of the police throughout India. In the Provinces, the police forces are under the Home Department, which is part of the "reserved" half of the Provincial Government. The Home Member is not a responsible Minister; he is appointed by the Secretary of State for India and is responsible to him. There can be no effective criticism of the police inasmuch as the censure of the Home Member in the Legislature, even if it is carried, does not affect his continuance in office.

Any real cut in the police budget or refusal to grant

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<sup>\*</sup> Police *Raj* is the name that Indians have given to the present state of affairs in most parts of India, which the Secretary of State and the Indian authorities call maintaining law and order.

<sup>†</sup> We were informed in a South Indian town that the word "police" had been absorbed into some of the vernaculars and was synonymous with "squabble," "fight," or "trouble."

<sup>‡</sup> There is an advisory staff of the Intelligence Bureau attached to the Home Department; and the Government has the control of the "Delhi Imperial Area" (New Delhi) police, but beyond this has no police officer under it.

supplies is generally ineffective since it is restored by the Governor by "certification."\*

### Control.

The police are in theory and practice autocratic at the Provincial centre. On its administration side it is even more autocratic and is controlled by a hierarchy of officials none of whom is amenable and few sensitive to public opinion. The majority of the higher ranks, who are European officials, are hardly ever conversant with popular feeling.

The force is enrolled in District areas under a District Superintendent† who appoints and dismisses the men and has power to dismiss station officers. The Superintendent is assisted by Deputies and Assistants. The District Police Force is placed at the disposal of the District Magistrate,‡ for the enforcement of law and order, while the machinery of the Force itself is governed by a hierarchy of officials whose head is the Inspector General of Police.§

The behaviour of the police force in any particular area in general depends on the District Superintendent, who is in command of the forces and directs the execution of policy. In the principal District town is the headquarters of the District Superintendent equipped with stores and ammunition. There is usually a contingent of a couple of hundred armed|| men in each headquarters, who are a mobile force. In some towns there are in addition Reserves of mounted and armed police.

### Strength.

At its normal strength it is estimated that there is one policeman to every one thousand three hundred of the

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\* Governors of Provinces and the Viceroy can restore any cut made in the budget by the Legislatures by "certifying" the item as being necessary for carrying on the government or for peace and tranquillity.

† The majority of these officers are British. During recent years a few Indians have been appointed to these posts.

‡ The District Magistrate is also the chief revenue official and representative of the local government in the area. He is called a Collector in some areas and a Commissioner in others.

§ The Inspector General is a nominated official member of the Provincial Legislature.

|| They are equipped with Service rifles.

population.\* There are nearly a quarter million regular policemen in India, excluding the 30,000 or so military police, principally in Burma and Bengal and Assam.† The Presidency towns of Madras, Bombay and Calcutta have Police Commissioners, who do not belong to the machine that we have described. They have direct access to the Provincial Government and are not under the Inspector General.

This is the normal police strength. Under the Ordinances the police force has been greatly augmented. There are additional police, punitive police, special police and swarms of C.I.D. men. In the outlying areas, the villages, the police force is represented by outposts or by single constables. This single constable is the British *Raj* in the village and under the Ordinances the repository of very wide and irresponsible power.‡ In the Districts the Ordinances have made the Superintendents extremely powerful,§ and armed the local Inspectors and Sub-Inspectors with very wide powers.||

## (II.) THE ORDINANCES AND POLICE POWER.

In dealing with the Civil Disobedience Movement and other political and allied activities,¶ the police in India have used excessive force and adopted methods which are indefensible. *Lathis*, bayonets and rifles have been used to disperse crowds, pickets or processions. The conduct of the police can be justified at all only on the assumption

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\* There is one policeman to every seven square miles in British India. There are about 10,000 police stations, or one to 100 square miles. (There is one hospital to every 400 square miles.)

† The maintenance of this force is a departure from the principle laid down by the Police Act of 1861.

‡ "A single policeman, however junior, represents the majesty of law and order and is an agent of Government." (See *Indian Year Book*.)

§ A District Collector told us in private conversation that the Ordinances had really made the District Superintendent the real ruler of the District and had reduced Collectors to a subordinate position in the matter of law and order.

|| It is immaterial whether the Ordinances provide for the delegation of power to these petty officials in every respect. In fact they exercise these powers.

¶ Many non-political societies and others unallied to the Congress have been proceeded against and severely handled by the police in various parts of India.

that the Ordinances endow them with such powers. The use of force in India for "dispersal" of assemblies is not comparable in any way to British practice. As will be seen from instances that we shall quote these dispersals take place even where there is no likelihood of violence or disorder, and no incitement to violence. There is quite obviously and openly a defiance of law, more symbolical and moral than anything else, as for instance in carrying a flag or defying a prohibition order or singing a song. Force is used to "disperse" pickets. The use of the words "disperse" and "pickets" would suggest that the police are engaged in driving away a squad of militant resisters, who are prepared to retaliate with force either against the police or the public or both. The facts are otherwise. Picketing is often done by one or two persons at each spot.\* Thus, whatever might be the rules about dispersing an assembly of five or more persons it would not apply to the dispersing of pickets.

We witnessed ourselves these *lathi* charges,† dispersing of pickets and processions. We heard the descriptions of many from independent witnesses as well as victims and read of them in the newspapers. We also saw some of those who had received bullet wounds and others whose relations had been shot by the police.

The official justification for all this is that the police are conducting themselves with great restraint, that the measures taken are necessary to maintain law and order, and that the agents of the law are carrying out their duties, and that only the minimum force required is used.

Even if it were conceded that the Ordinances are necessary to meet the challenge of the Civil Disobedience Movement, it is still permissible to inquire whether the conduct of the police and the powers they use are:

- (i) Legal.
- (ii) Necessary.
- (iii) Excessive.
- (iv) Effective.

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\* It is not denied that there has been mass picketing in some places, but a great deal of picketing is done by individuals or parties of pickets, many of whom are women.

† "Charge" is a euphemism inapplicable to some of the savage beating that we saw, and is practised all over India.

### (III.) THE QUESTION OF LEGALITY.

If the conduct of the police is in excess of the power that even the Ordinances give them, the allegations that the Indian people make that what obtains is police *Zulum*\* is amply justified.

The legality of the use of the *lathis* and canes by the police in dispersing crowds and pickets was examined by the Madras Advocates Association, who referred the matter to a sub-committee of twelve of their number. Among these were an ex-Advocate General, a Mussalman, several non-political persons and a leading orthodox Hindu.† They found that :—

(I) The Ordinances do not confer any special power on the police in respect of the use of force for the dispersal of unlawful assemblies or assemblies of five or more persons likely to lead to a breach of the peace.

(II) Such power as the police possess is regulated by Section 128 of the Criminal Procedure Code. The assemblies that can be dispersed under that section are :—

(a) Unlawful assemblies, that is, assemblies of five or more persons whose common object is as stated in Section 141 of the Indian Penal Code.

(b) Assemblies of five or more persons likely to cause disturbance of the public peace.

(III) Before force is used to disperse the assembly it must have refused to disperse on being commanded to disperse, or without being so commanded it should have conducted itself in such manner as to show a determination not to disperse.

(IV) An individual or an assembly of less than five persons cannot be dispersed by the use of force under Section 128 Criminal Procedure Code. Barring prevention under Section 149 Criminal Procedure Code the members of such assembly can be arrested only for any offence of which they may be guilty.

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\* *Zulum* is a Hindustani word adopted into English, meaning tyranny or oppression.

† Extreme orthodox Hindus are not supporters of the Congress. More particularly they are opponents of Mr. Gandhi and the method of Civil Disobedience owing to the part played by the two latter in the Untouchable and Temple Entry questions. Hence the opinion of the Madras leader of the extreme orthodox section (Mr. T. R. Ramachandra Aiyer), a member of the committee, is significant. The findings are those of lawyers, not of political partisans.

(V) An assembly of five or more persons carrying on picketing near a place of business has now become an unlawful assembly as such picketing is an offence under Ordinance No. V of 1932.

(VI) Persons present by accident or from curiosity alone without taking part in the proceedings are not guilty of the offence of being members of an unlawful assembly or of an assembly liable to be dispersed.

(VII) Picketers less in number than five and a crowd of mere sightseers cannot be regarded as together constituting an unlawful assembly justifying the use of force.

(VIII) More than five persons, whose common object is picketing, if they distribute themselves so as not to form any assembly, cannot be dispersed by force either in the places in which they are picketing or after being driven together.

(IX) The degree of force which may be lawfully used in the dispersal of an assembly depends upon the nature of the assembly and the force must always be strictly moderated and proportioned to the circumstances of the case and to the end obtained, namely, dispersal.

(X) Even persons forming members of an unlawful assembly or an assembly commanded to disperse ought not to be pursued and belaboured with *lathis* if they are dispersing.

(XI) Even when there is an unlawful assembly, surrounding an offender and belabouring him or beating him after he falls down with a cane or with a *lathi* by way of punishment is beyond the power of the police.

Present police conduct is thus judged illegal by competent legal opinion. We are not lawyers and do not feel qualified to pronounce on the matter, but it is obvious to our lay mind that the reasoned memorandum of distinguished lawyers of a High Court places on the authorities the responsibility of justifying their point of view or of modifying their conduct.\*

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\* The mere legal flaw in the issue would not present the Government with any serious difficulty. Another Ordinance and the Acts of Indemnity would make "legal" what obtains in fact. Secondly, Congressmen do not fight the law, in the approved way, with law itself, by fighting out cases in Courts, since they assert they have no faith in British Courts and also know that even if the Courts found in their favour the Executive would either make new rules or disregard the Courts in practice.

#### (IV.) THE NECESSITY OF FORCE.

We witnessed on the day of our arrival a *lathi* charge. It was, as *lathi* charges go, a mild one. The occasion was a "raid" of the secretariat by Congress volunteers. Police had been notified beforehand by the Congress organisers, the public had also been informed by illegal handbills. The "raid" consisted of volunteers crossing from one side of the road to the other and entering the Government secretariat compound. Like the flag processions this raid is a defiance of law inasmuch as to be a Congress volunteer and to take part in a Congress activity itself is illegal. The offence of entering the compound is ordinary trespass, or perhaps criminal trespass, if it is proved that it was with criminal intent.

To see the raid thousands of people had lined up on the "allowed" side of the road. None of them was disorderly or violent. Police were posted at all vantage points and hundreds of them were patrolling the area. Many more in plain clothes mingled with the crowd. European officers and sergeants armed with *lathis* were also present to prevent the "raid." The volunteers were caught by the scruff of the neck, dragged and beaten with *lathis* by the sergeants and the officers. They also chased and beat a number of the sightseers and finally arrested the few volunteers.

The display and the use of force appeared to us quite unnecessary. The volunteers were neither offering resistance nor evading arrest.\* The crowd was entirely peaceful and passive. If the object of the police was to prevent the Congressmen entering the secretariat compound it seemed possible to accomplish it without turning out half the city's police force to do it.† If the volunteers had actually entered the compound they would have been arrested and proceeded against as trespassers, even under the ordinary law. In any case the arrest did not demand beating as a preliminary. At last the police arrested the volunteers, an end the police themselves knew they could have achieved without all the

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\* Congress volunteers do not evade or resist arrest. We ourselves witnessed on several occasions their submitting to arrest without resistance or attempt to escape.

† We do not mean a literal half, but very large numbers of men and officers of the force, who were occupied by this job for at least three hours' duty and a great deal more of time in preparing for it.

beating and display of force. We could multiply instances and give cases where the use of force was even more wanton,\* but the incident of our first day in India, which we have narrated, suffices as an instance typical of the ways of the Ordinance Raj.

### **“ Minimum Force.”**

The Criminal Procedure Code authorises only the minimum of force deemed necessary to disperse an illegal assembly. The Government defence, as may be seen from the replies, particularly in the Madras Legislature, is that only “ minimum ” force is used. But the medical certificates giving particulars of injuries of head, chest and limbs, of death resulting from police beating, samples of which we have in our possession, belie this “ minimum force ” argument.

That the beating of pickets is illegal is widely believed in Madras, where there is a large body of opinion outside Congress ranks which is given to thinking in legal and constitutional terms. Dr. Hogg, the English principal of the Christian College, disapproves of non-co-operation. He sees no ethical or moral reason why non-co-operation should not be met by force, since non-co-operation is not non-violent in as far as it is moral violence, the attempt to coerce the Government by moral pressure. We cite him as an instance of an Englishman long resident in India, in touch with English and Indian opinion, not in sympathy with the Congress method. Dr. Hogg expresses his considered view thus :

“ The authorities seem to have determined, for administrative reasons, not to use the right provided by Ordinance, of arresting and charging picketers, but rather to deal with them by *lathis* or canes.”

Referring to the excessive use of force, Dr. Hogg, who does not in principle object to the use of force against passive resistance, said to us :

“ As soon as it has become clear that the man, who is beating an unresisting law breaker is trying to force him to do what the latter believes to be wrong, the beating becomes merely that old-fashioned enormity called ‘ persecution.’ ”

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\* See page 170 : the beating of women in Bochesan.



### The Government Answer.

The reply of the Madras Government, in its communique No. 4, dated 23/1/32, may be taken as a fair sample of the Government view. The use of the *lathi* is justified (1) as a method of dispersing an illegal assembly; (2) as a deterrent against the continuance of picketing. We have dealt with the first of these and pointed to the legal limitation and requirements which permit the use of force. The second point made by the Madras Government seems to throw light on the police power under the Ordinances. It raises in a challenging manner the unlawful, and, according to British ideas, thoroughly unjustified way in which police are allowed to take the law into their own hands.

The use of force as a "deterrent," with the object of striking fear, is "punishment." The police decide and mete out this punishment at their own discretion on the spot; a method which is contrary to all accepted notions of administering law. Punishment is a matter for the courts, it is inflicted on people who are proved guilty, it is inflicted after the accused party has had its chance of legal defence. The use of force by the police as "punishment" is different from any action that the police, in this or any civilised country, may have to take to prevent disorder or to effect an arrest. In such instances the question of punishment does not arise and the policeman or official is answerable before a court of law like any ordinary citizen. He is not in a privileged position. Under the Ordinances (and now under the law) the Indian Government indemnifies its police and officials *in advance*.

### (V.) EXCESSIVE USE OF FORCE.

The use of force against the subject, except when it is a legal punishment, can be justified only on grounds of necessity and expediency. It should be the last and not the first resort. It should follow warnings and, in the case of assemblies, commands to disperse. (This latter is required by law.) No such practice obtains in India. The use of force becomes even less justified when it is realised:

(1) That Civil Disobedience volunteers do not evade or resist arrest, and to carry out the requirements of the Ordinances and the duties of the police as generally understood, their arrest is all that is required.

(2) That volunteers are beaten even (a) after they attempt to run away, (b) after they have been arrested, (c) when they take all the beating without retaliation, (d) after they fall semi-conscious or are otherwise on the ground, and (e) when the victims include women.

(3) That the beating is accompanied by vile abuse, drenching with coloured water, dragging along the roads and the infliction of other injuries.

(4) That the victims of the beating are not the volunteers alone but also innocent sight-seers, who are merely members of the general public.

(5) That "dispersal" in this manner is not merely of "assemblies" but of individuals. The police "disperse" individual pickets, who cannot by any stretching of the law be called a gathering tending to create a mob riot.

Each of these five assertions is based on our experience, and the admissions made in the Legislatures by Government spokesmen. We shall give here a few samples not necessarily of the worst or extraordinary cases of instances in illustration of each of the five categories mentioned here.

*Instance No. 1.*—In Madras and Calicut we saw "processions" of volunteers, less than a hundred, marching with a flag and singing national songs. There was no obstruction to traffic and no incitement to riot. The songs were frankly and obviously seditious,\* and in Calicut they were straightforward appeals (in verse) to people to join in the fight for national liberty. The police had notice of the processions, and large numbers of them (in Madras they included mounted police) were posted at all important points. Some accompanied the procession. The Madras Government had obviously decided that there should be no "clashes" while we were on the scene. We had not taken any precaution not to be seen (as we did in another place with different results). The police plan was to arrest quietly and not to beat. After a time in each case the procession was stopped. The men were arrested. We saw the arrests; there was

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\*The fact of their being "seditious" does not alter the facts. Sedition is a matter for the law courts, for even under the Ordinances the magistrates should adjudge and award punishment. Also, though the songs were seditious, they were definitely not incitements to violence.

no attempt at all to resist nor was there any use of force. In Calicut, however, the stopping of the procession was followed instantly by a shower of *lathi* blows on the volunteers on the left front of the procession. They immediately squatted on the road; a few more blows followed. In the meanwhile the police noticed that the crowd which gathered in the buildings on either side of the road was looking away from the procession. We had reached the spot from the opposite direction and had been noticed. We saw no more beating. A policeman went into the police station opposite where the beating was done and came back to arrest the men, all of whom followed him without resistance.

This incident shows the police method and the lack of any justification of necessity. The arrests did not require force; at the same time we saw enough to verify for ourselves the widespread allegations against the police.\*

At Bochesan, on the 21st October, 1932 (in Gujerat), we saw the police work as they normally do. We arrived in the village before daybreak, motoring through miles of lanes ordinarily used as cart tracks and hardly wide enough for a car. We stayed on the terrace of a house from where we could witness a village procession. It was a Congress celebration day and we knew that there would be a procession.† The police did not know we were in the place; we were well hidden by the parapet wall and our arrival in the village before daybreak was unnoticed. The procession consisted mainly of women, the total number being perhaps about thirty or forty. Policemen with full-sized *lathis* met the procession near our house and the procession stopped. We witnessed the most savage beating that we had seen till then. The men and women squatted down. Policemen swung their five-foot *lathis* with both hands and delivered blows on the heads and shoulders. One of the victims was an old woman, a mother whose statement we took afterwards.‡ It was a ruthless performance, savage in the fury with which the police delivered the blows.

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\* This is not confined to one province nor to Congressmen as victims.

† There were similar processions in villages all over India on "Days."

‡ See page 366 (l).

*Instances Nos. 2 and 3.*—The Doctor Paton case, to which we have already referred, the facts of which are no longer in dispute, shows the police following Dr. Paton, an innocent Scotsman, chasing him, beating him and drenching him with coloured water.

We saw the picketing of opium shops in Cuttack. It was about nightfall. The opium shops are required by law to close at 5 p.m.,\* but the police allow and encourage the shops to remain open after hours. The pickets were not arrested in the places we visited. They were dragged along the road and blows with fists were delivered on their bodies by the constables. In one of the places we saw a Sub-Inspector directing the operations. The constables and Sub-Inspector were shouting most of the time and we understood from our friends that they were abusing the crowd and the pickets in the filthiest language.

We did not ourselves witness any beating of pickets who had already been knocked down, but we were told in Madras and other towns that this was a common occurrence. Among our informants in Madras were leading citizens, non-Congressmen, who have held high offices under Government, who had themselves witnessed the beating and kicking of men who had been knocked down senseless and semi-conscious and injured.† We also met another lawyer who was a picket himself and had been man-handled by the police. Press reports and Council questions on this are frequent. We quote a sample instance reported in the press:

“ ‘MINIMUM FORCE’ IN MADRAS.—In one case four Brahman boys and four fisher youths picketed a toddy‡ shop and when they refused to move they were beaten by the police and fell senseless. Water was then poured on them to revive them and afterwards it is alleged were again beaten. This heartless conduct so incensed the fishermen that they wrested the *lathis* from the hands of the police and beat them to save the boys ‘from being killed.’ The official version is that when a few cuts were given the boys sat

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\* Some shops are probably licensed to remain open till 6 p.m., but we witnessed the picketing of open shops till about 7.30 p.m.

† Mr. T. V. Venketarama Sastri, one of our informants, is a leading lawyer, a Liberal, formerly Advocate General and afterwards Law Member to the Government of Madras for a few days.

‡ Toddy is an alcoholic drink drawn from palm trees.

down purposely and then water was poured on their heads to compel them to get up, while the police were hustled by the fisher folk. In another instance a man was beaten and his ribs were broken and the Home Member nonchalantly remarked that it was up to the person to complain to the magistrate. Is this what he calls 'minimum force' ?" (*Bombay Chronicle*, 8th August, 1932.)

In Bombay shopkeepers, who were losing business on account of picketing, told us that the police and their conduct and treatment of women pickets contributed even more to the loss of their business than the vigilance of pickets. In many cases shopkeepers became converts to the boycott ideas and spoke to us with great fervour of the sacrifice they had made in ceasing to deal in foreign goods. Always one of the factors, they maintained, was the way in which police trespassed into the markets, which are really private ground, and ill-treated the women pickets.

*Instance No. 4.*—Police action against crowds is even less defensible, and in places like Bombay City the police are even more ruthless and unrestrained against crowds than volunteers. We saw on the day of our arrival sergeants chasing spectators and belabouring them. There were no arrests of spectators, nor had they been guilty of any action. There was no prohibition order against being on the roadside, there was no prohibited meeting in progress, nor were the crowds assisting the volunteers, though obviously they were in silent sympathy with Congress. Many of them wore Khaddar, but thousands of non-Congressmen wear homespun these days.

Again, we saw on the evening of the 11th September, at the corner of Clive Street and Harrison Road in Calcutta, a British police sergeant strike a shopkeeper seated, cross-legged, in his own shop-front. The students were holding a demonstration which the sergeants had dispersed by ruthless beating of the young men. The shopkeeper was only one, who had nothing to do with the demonstration, who were set upon at random by the police and beaten.

*Instance No. 5.*—The following report of a conversation between one of us and a Sub-Inspector of Police of Guntur District (Telugu area), on 5th September, 1932, refers to the "dispersal" of individuals as different from processions and crowds. We told him what we had heard about the

beating of volunteers taking part in demonstrations. He agreed that the main facts were accurate.

*Sub-Inspector* : The crowds go away when ordered, but if a few volunteers remain we beat them.

*Delegate* : But why beat them ?

*S.I.* : To disperse them.

*D.* : But you do not "disperse" four or five individuals. Why not arrest them for defiance of police orders ? How many police had you on this particular occasion ?

*S.I.* : About fifteen.

*D.* : Then you could arrest the four or five men you say remained after your order to disperse.

*S.I.* : Oh ! We would soon have the jails full.

*D.* : But what lawful authority have you to beat individuals ?

*S.I.* : Well, we are entitled in this way to beat people to disperse them.

At Contai, in Bengal, we saw Congressmen attending to boy picketers of liquor shops beaten only a few minutes before our arrival.

We saw the medical certificate issued by a qualified doctor Mr. A. Swaminathan, of Madura, in the case of Mr. P. L. N. K. Chettiar, a rich banker, aged 31. The certificate says that the fracture had resulted in a permanent injury to the right leg. The injury, the certificate adds, is stated to have been caused by a *lathi* charge by the police.

The particulars of the case, which we obtained, are as follows. P. L. N. K. Chettiar, Ramnad district, a banker worth about two lakhs of rupees, was present at an open-air meeting on the 9th January, 1932. The Police Inspector said they should not crowd there. Mr. Chettiar moved when a policeman beat him with a *lathi* and fractured his knee. He fell. Someone in the crowd carried him out. He was taken to a doctor, who said that the leg must be amputated. He insisted on seeing his own doctor, whose certificate we refer to above. Mr. Chettiar will never be able to bend his knee.

#### (VI.) EFFECTIVENESS.

Has the use of force been justified by results ? The avowed objects of its use were :

(1) To minimise the propaganda value which would accrue to Civil Disobedience on account of arrests.

- (2) To effect dispersals.
- (3) To be a deterrent punishment.
- (4) To create an impression on the people of the power of the Government.
- (5) To prevent the spread of the movement.
- (6) To provide a speedy remedy available to the man on the spot to nip disorder in the bud.
- (7) To render unnecessary the use of a larger degree of force which would be necessary if the more legal methods were adopted.

This we believe to be a fair statement of the avowed objects of the authorities. From the evidence we obtained we are justified in concluding that the handing over of the administration of law and order to the policeman was done because (a) arrests would fill jails, (b) beating is a cheaper method, (c) it was hoped it would strike terror into the minds of the inhabitants, (d) it would prevent women from joining the movement in large numbers, (e) it would give the outside world a less colourful picture of the repression by fewer arrests, accounts of beatings being discounted or denied by the police and the Government.

The course of affairs in India does not justify the hopes entertained about police methods. No doubt the outward and militant manifestations of the movement have been held in check by police terrorism, acting in conjunction with forfeiture of property and ill-treatment in jails. The spread of Civil Disobedience in this way has no doubt been checked.

Estimating the effectiveness (not the effects) of this policy of force in relation to the aims it sought to achieve and not to any ethical, moral or legal canons, we feel justified in stating that :

(1) Police Raj\*, as this method of rule has come to be known, has driven many into sympathy with the Civil Disobedience movement, and led to the conclusion that the Government is callous and brutal. In the way it has been carried on it has appeared as persecution—Zulum†—and

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\* See Chapter xiii.

† Cf., page 164 (Footnote).

not as a mode of dealing with resistance which is less spectacular than arrests.

(2) It has been effective as to "dispersals."

(3) To the extent that it has cowed the people it has acted as a deterrent, but it has not so acted on the militant ranks of the Congress. Also to the extent that it has cowed the people it has increased bitterness and resentment.

(4) Police *Raj* has not created an impression of the power of the Government on the people. The fact that the majority of Congressmen, who on their own admission do not believe in non-violence as a creed, but still have accepted it, is evidence of their recognition that Government is powerful, in the sense of being able to use force.

(5) In our view force has had the contrary result to what was aimed at, so far as preventing the spread of the movement is concerned. This was admitted to us by officials in private conversation, in the North-West Frontier Province, in Madras, in Bihar and elsewhere. It has, however, been effective in checking mass manifestations; the toll of the repression provides the evidence.

(6) It enables the police to act on their own, but disorder has been widespread, necessitating the continuance of these powers for three years to come.

(7) Whether the use of force by the police has prevented large-scale risings, as is officially contended, is difficult to say. There have been no large-scale mass risings either now or on the last occasion.

(8) Jails have been overcrowded beyond capacity, despite the policy of preferring beating to arrest; but it is arguable that there would have been greater overcrowding if more had been arrested than beaten.

(9) We are not in a position to judge whether the method of beating and general rule by force is cheaper than other methods. There appears no doubt that the repression has added to the cost of administration in the provinces.

(10) It has succeeded in striking terror into the minds of the people.

(11) Women have taken a smaller and diminishing part in the Civil Disobedience activities this year than last, particularly in the towns; fear of police molestation has, in our opinion, acted as a deterrent in this matter.



(12) The absence of spectacular mass demonstrations, public trials, the decreasing number of prisoners, the policy of longer term imprisonments, diminishing the number of arrests, etc., have made the Civil Disobedience campaign of 1932 less of news in the world press. The control of news also proves effective in this way.

The above is a bald statement of the aims and achievements of this policy, from the point of view of effectiveness.

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## CHAPTER XIII.

### POLICE RAJ IN ACTION.\*

"Charges have been made against the police. . . . But, upon the whole, the police have acted splendidly. They have acted often under the greatest provocation. They have acted against tremendous odds at great risk to their own lives and to the lives of their own families, and they have acted, speaking generally, with admirable restraint and moderation."

(Sir Samuel Hoare).

"A rag-tag and bobtail collection, ill fed, ill clothed and disloyal, . . . who have set an extremely bad and dangerous example. . . ."

(A Police Annual Report, Bombay, on the Emergency Police).

#### (I.)—BEATINGS AND LATHI CHARGES.

**A**S we have pointed out before, legal opinion holds that even the Ordinances give the police no additional powers to beat people or to take the law into their own hands. The police beat either with hands and fists, or with canes,† or *lathis*‡ small or large. We have seen and taken statements of cases of beating of men, women and children. Cases of this form of police violence fall into five classes :

- (1) Beating of individuals, mainly pickets.
- (2) Beating and charges in prisons and lock-ups.

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\* The Appendices at the end of the Report relating to police conduct give an idea of the extent of the excesses of which we give here a few instances. The chapters on Villages, Prisons, The Suppression of the Nationalist Movement, and the one on some Law Court Cases, contain instances and deal with other aspects of the "firm hand" policy in India typified by the Ordinances and *Police Raj*.

† The police cane, in some parts, is not less formidable than a *lathi*. One type we saw had a knob larger in size than a golf ball. Other varieties have metal casings at the ends.

‡ There are different kinds of *lathis*; two types are the most usual. The smaller one is about 3 feet long, with leather loop on one side through which the beater passes his hand up to the wrist. The full-size *lathi* is over 5 feet, with metal hoops on either end. The diameter of a *lathi* is about 1½ inches or more. It is made of a special type of bamboo, which is very strong, almost solid. A full-size *lathi* is strong enough to support a man's weight. Either type can inflict severe and even fatal injuries.

- (3) Charging on a "procession" and beating of individuals.
- (4) Beating of arrested persons; frequently in cases of Congressmen who have entered and occupied Congress offices which have been seized by Government.
- (5) Indiscriminate delivery of *lathi* blows on members of a crowd, spectators, etc.

None of these categories includes the execution of any sentence passed by a court of law, or even the execution of a magisterial or other executive order. It is the use of force by the police, of every rank, against innocent citizens or civil resisters, none of whom have been tried or declared guilty by a court.

Referring to police beating, Dewan Bahadur H. Sarda\* said: "I have been a judge under the British Government. I fail to find out under what law a man who sits on the road can be assaulted with a *lathi* or fired at. Arrest him and imprison him. There is now nothing but the rule of *lathis* in the land."

### In the Central Provinces.

Mr. Kedar, M.L.C.,† challenging the accuracy of a Government *communique* on an incident in the Wardha District (Central Provinces), said‡ :

- (1) The Congress processionists were not violent.
- (2) They were needlessly set upon by the police, who beat them mercilessly with *lathis* for a quarter of an hour, injuring 125 persons.
- (3) The *communique* did not mention the repeated *lathi* charges, but only referred to the stoning of the police.
- (4) He had made local inquiries and ascertained that stones were thrown only after the police had penned the crowd in an area, closed all exits and made their *lathi* charges.

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\* Dewan Bahadur H. Sarda is a retired judge and a member of the Legislative Assembly. His main interest is social reform; he introduced the Child Marriage Bill and put up a fight against the combined forces of Government and Hindu orthodoxy for nearly five years before the Bill, though mutilated, was passed.

† A Member of the Legislative Council.

‡ Legislative Council debates, Central Provinces.

- (5) The Sub-Divisional Magistrate himself took part in the beating.
- (6) No time was given to the crowd to move away.
- (7) Government had suppressed the truth and suggested a falsehood and brought itself into contempt.

Rao Bahadur Nayudu,\* who followed, said that his political views were widely different from those of Congress, but Congressmen in Wardha town were peaceful. The Government need not have suppressed the fact that on the 16th February, 1932, there was a *lathi* charge, and a number of men, who did not belong to the Congress but were attracted to the place on account of the elaborate police arrangements, were injured. A *lathi* charge was ordered long before the crowd showed any signs of becoming violent.

Mr. Raghavendra Rao, the Home Member, replying for the Government, said he would not deny that the police used force in dispersing an unruly crowd, but repudiated that it was wantonly or aggressively used. His information was that only ten persons were injured and about fifty slightly hurt in the process of being pushed back. The House divided on the motion, which was carried against the Government by 29 votes to 23.

#### **At Ankola† : Magistrate's Version.**

Ankola is the centre of a no-tax area. There is much agrarian discontent. The Delegation‡ was met by the *mamlatdar*§. He stated that out of a total population of 38,000 in the Taluka,|| at least 15,000 were Congress and very active. Most of the people sympathise with Congress. Practically all *toddy* shops have been closed.¶ There is some violence in the area, and recently the Patel's\*\* house was

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\* Rao Bahadur is a title conferred by the Government.

† Bombay Presidency, on 2nd September, 1932.

‡ Here, as elsewhere, we have used the term "we" or "the Delegation," even where it refers only to one member of the party. We have explained this procedure elsewhere, but repeat it to avoid misunderstanding.

§ A Government official. He is a revenue officer, with magisterial functions.

|| "Taluka" is a sub-division of a District.

¶ By the activity of Congress pickets.

\*\* Village official. In the old days he was the popular head of the village. Now he is appointed by the Government and is tax gatherer, magistrate, agent, and judge in the village.

set on fire by six people. Demonstrations had been stopped, but the situation was very bad. The people raided the lands and buildings which had been taken away from them or from which they had been evicted, and were now used for police camps. The movement was entirely non-violent when there were Congress leaders to control it, but when they were all sent to jail it was taking a violent turn.

It appears that crowds had gathered the previous day, having heard rumours of the Delegation's arrival.\* Popular estimates put it at seven thousand; the *Mamlatdar* said it was fifteen hundred, and after his hearers laughed he made it two thousand. Anyway, he was not on the spot and had only police reports to guide him. But he agreed that even two thousand was a large gathering for a small place like Ankola. We had been informed on arrival that there was a *lathi* charge on the crowd. We asked for the official version, which was, that the Delegation was expected the previous day; some thousands of men, women and children had gathered; they were breakers of the forest laws and carried a piece of wood cut from the reserve forest—the sticks were symbolical of Forest *Satyagraha*† and not weapons. They gathered on the *maidan*.‡ There were ten or fifteen policemen on duty who also ordered the crowd to disperse. The people refused. They said they had come to greet the Delegation and have a view of a friend who had come thousands of miles. They stayed, in spite of rain, for hours. The police made a mild *lathi* charge§ with their light canes. Some of them might have received blows from the canes or by falling during the rush. He had also

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\* News travels in India quickly enough even though newspapers are not read by everyone. These demonstrators and crowds were not "arranged" or staged for us as the Secretary of State asserted in the House of Commons. The crowds often, as at Ankola, did not even know the time or date of our arrival. But they gathered and waited. We were known not to be agents of the Government, but friends of the Indian people, a fact which we have never attempted to deny or disguise.

† Refers to Civil Disobedience or passive resistance. Literal meaning of the word is "pursuit of truth."

‡ An open public space; a green.

§ A responsible Indian journalist, not a Congressman, told us that editors had private instructions to describe every *lathi* charge or beating as a "mild" one.

heard that the "Congress boys" took a few of the injured to the local hospital.

### Further Official Admissions.

After the official version had been given we asked several questions, and elicited in the *mamlatdar's* replies :

- (1) That the crowd was non-violent and that the *lathi* charge was made to disperse them.
- (2) That it was no offence to gather to see the visitor.
- (3) That there was no retaliation by the crowd; the people stood the caning and stuck to the spot.
- (4) That the pieces of wood (sticks) in the hands of the men and women were thin pieces and mostly less than a cubit in length.
- (5) That the breaking of the forest laws\* is only symbolic.
- (6) That the members of the crowd could be arrested for breaking of the forest laws.
- (7) That if all the law breakers were arrested there soon would be no room in the jails.
- (8) That the civil resisters are non-violent and no malice is harboured against officials. It is said by some people that the firing of the Patel's house, mentioned before, was due to a private grudge.

### The Facts of the Case.

Our inquiries showed that the *mamlatdar*, who was not on the spot, had only such information as the police gave him. The police used their *lathis* and canes; men and children were beaten. The President of the District Board of Ankola told us that the *lathi* charge was in fact decided on, directed and carried out by the police officer and the fifteen constables, and neither the *mamlatdar* nor the police inspector had given any orders.† The crowd was mercilessly beaten. One man's arm was broken, five or six others were seriously hurt, and at least a hundred were severely beaten. Where the police used only canes, the

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\* The forests are Government reserves. Peasants have a long standing complaint against the forest policy of the Indian Government, which they believe to be opposed to their interests. The peasants want leaves and manure from forests which they took freely before British days. Now, such action would amount to trespass and theft and breach of forest laws. The civil resisters "raid" these reserves and take away a twig or a branch as a symbol of breaking the law.

† This is a good instance of how the police of all ranks take the law into their own hands. It is police *Raj* as it really is.

canes were broken to pieces on the bodies of the people.\* We saw some of the casualties, one had a wound on his hand and was in great pain, while another had his right arm covered with stripes from shoulder to elbow.

### **In Calcutta.**

The Delegation witnessed a Congress procession on the 11th September, 1932, at Burrabazar. At the corner of Clive Street and Harrison Road it was stopped and the processionists were set upon by the police with *lathis*. They were the short *lathis* of the type we saw used in Bombay by British sergeants, heavy enough to deal severe and even fatal blows. The demonstrators were mainly students. We saw no signs or tendencies to violence or resistance. No stones were thrown at the police, there was no obstruction of traffic and no insulting behaviour. A Congress flag was carried. The procession was soon surrounded by police constables. British sergeants then "charged" the Congress volunteers, which is the name apparently given to the merciless beating with *lathis* which we witnessed. Those who dispersed were chased by the sergeants and beaten. The sergeants then proceeded to deal in the same way with members of the crowd,† chasing and beating them. One boy was arrested, and the police appeared to have captured some Congress flags.

### **Madura.**

We were told by Dr. G. Ramaiya, L.M.S., medical practitioner, an Indian Christian, who spoke to us about police atrocities, of an instance which happened in the month of June, 1932, which his wife witnessed. A procession, consisting mainly of boys, was attacked by the police under an inspector. The police started beating the boys, who were mostly about twelve or fourteen years old. All but two ran away in the face of the police beating. The two were savagely beaten and dragged along the road.

Mr. Varadaraya Aiyar, also a doctor of Madura, related an incident to us which occurred on the 28th August, 1932.

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\* Our informants in this case included the President of the District Board, who had made careful inquiries about the incident.

† The beating of a shopkeeper who was sitting cross-legged in his own shop, by a sergeant with a *lathi* on this occasion has been referred to elsewhere.

Fifteen persons were gathered to salute the Congress flag, as is the custom on the last Sunday of each month. It was at an open public space. They were set upon by the police, who encircled them and beat the boys and men, until they fell on the ground. When the police left volunteers attended to the victims, whose ages ranged from fifteen to twenty. The sub-inspector and all the constables who did the beating were Indians.

#### **At Contai, Bengal.**

(September 15th, 1932.) We were informed that a number of boys who had been picketing the local liquor shop had been set upon by the police and severely beaten. Aswin Kumar Puri, a young man of twenty-five, had been beaten previously with a full-sized *lathi*. He was beaten again the day we were in Contai and was brought to our house after the incident. He had been hit on the head and knocked down. We (a member of the Delegation) saw the wound and the contusions caused by blows on the ribs and one arm. He was asked by the police to leave when he was picketing the liquor shop, and as he would not twelve policemen walked up to him, some of them beat him, and he was knocked down. One of the constables asked the others not to beat the boys. A doctor attended to the boy and a member of the Delegation assisted him. Three boys who received medical attention had to be detained and rested for several hours. They were all in great pain. The *lathi* blows had left deep marks.

#### **At Agra.**

(September 17th, 1932.) A Congress volunteer, Fateh Singh, took a flag into the court. The volunteer was seized by the police and gagged and thrown on the ground. He was kicked in the mouth, and was bleeding as a result. He cried out, "*Mahatma Gandhi, Ki Ji.*" The flag was thrust into his mouth, and later he was arrested.

An extraordinary meeting of the Bar Association was held, and it reported the matter to the District Superintendent of Police (an Indian), who suspended the sub-inspector and was making inquiries. Fateh Singh was, however, sent to jail.



## Ruthless Beating.

Mr. T. A. Ramalinga Chetty,\* Member of the Madras Legislature, referred to some cases of police excesses in his own town of Coimbatore. He said :

"In Coimbatore town the police not only chased people but entered houses and beat all people, whether picketers, spectators, or others. It was only censored reports that had appeared in the press, and if anything they were only attenuated accounts of what actually took place.

"Even according to those accounts and from what he had personally heard, it was a matter of terrorism of an unprecedented kind that ruled in the town of Coimbatore. One particular day people who wanted to go about avocations had to go by circuitous routes, sometimes walking three or four miles more than they usually do in order to avoid the disturbed areas. This was certainly not due to picketing. . . . Police action collected people. They were mere lookers on, peaceful and not partaking in the picketing. To say that *lathi* charges had to be resorted to to disperse them was meaningless. Even people who were going away from the scene or who had fallen down as a result of police action were beaten."

Mr. O. P. Ramaswami† and Mr. K. Subba Rao, both University graduates, and journalists by profession, were engaged in Civil Disobedience work and picketed a shop in Madras, towards the end of February, 1932. They were surrounded by Inspector Currie, Sub-Inspector Syed and a bus-load of constables. Mr. Ramaswami was severely beaten with canes all over his body (what the police call a cane charge!), his clothes were torn and he was dragged along the road and beaten again. Mr. Subba Rao, who was still at his picket post, was being beaten by another batch of police. He was knocked down. Meanwhile, Mr. Ramaswami, who had been dragged along the road, was taken by Mrs. Lakshmi Pathy, a Congress woman, on ambulance duty, in her car. The police party now joined those who were beating Subba Rao, and when Mrs. Pathy came to take Subba Rao away

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\* Mr. Chetty is not a Congressman. He has been a Member of the Legislature since 1920 and has been President of the Coimbatore District Board and has always been a co-operator. The account is taken from a press report of the proceedings of the Legislature.

† Cf. Hansard, Vol. 266, No. 105, for Sir Samuel Hoare's answer, in which he alleges that a crowd of 200 people was "obstructing traffic." Those who have seen Rattan Bazar Road will find it difficult to take this statement seriously.

also in her car the beating was going on. The Inspector then questioned the car driver about his licence and threatened to report Mrs. Pathy to the Commissioner and have her licence cancelled. Mrs. Pathy replied that she was doing ambulance work.

The two men were admitted into the hospital in a serious condition, where they were seen by important officials and the Police Commissioner, who ordered a departmental inquiry. Questions in the Legislative Council also engaged the attention of the Government. The inquiry and its results are private; the Government announced that the police officer was guilty of "a serious error" of "discretion" and that the Police Commissioner had been directed to inform him of their disapproval of his conduct "in so far as he allowed force to be employed in excess of the requirements of the situation."

No punishment was meted out to the officer or men and no disciplinary action was taken. Mr. Currie was transferred to another Division in the city, an action which carried neither censure nor punishment with it and was done by the Police Commissioner himself.

*Gujarat.*—Mr. P. G. Deshapande, formerly a teacher of the Gujarat Vidyathipith,\* made a statement before us :

"A procession was formed on the 13th January, in which there were a number of women. They (about twenty) were arrested. The men were attacked by four European sergeants and some policemen. They kicked and caned the processionists. More than 35 were injured and 20 removed to hospital. The men were caned after they had been kicked and felled to the ground. I was wounded in the head. The people on the ground were semi-conscious. Mr. Kantilal Gandhi, also injured, was in the same hospital bus. He could neither move nor speak. The canes have metal knobs."

## (II.) FIRING ON CROWDS.

The instances to which we are about to refer relate to cases where police have opened fire on crowds. In some cases stone-throwing at the police has been alleged. In no instance is there evidence of an actual riot which had

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\*One of the National Colleges founded by Mr. Gandhi after the first non-co-operation movement in 1920-1921. Now closed down by the police and the buildings seized.

to be quelled. There are other cases of firing at individuals, in jails as at Hijjli and elsewhere, where the victims were in captivity, or as in the case of a boy of twelve or fourteen whom we saw in the North-West Frontier Province with marks of a gunshot wound on his thigh. Other incidents of such individual shooting were reported to us, but we had not the time to collect the evidence.\*

In the course of a reply to a question by Sardar Santa Singh, M.L.A., about the number of times the Police or Military had to use force† in dispersing Unlawful Assemblies in 1932,‡ Mr. Haig,§ the Home Member, gave the following figures of those killed and wounded :

Place.	Killed.	Wounded.
Berhampore ... ..	1	2
Kendua Beel, Khulna District ...	—	—
Hashnabad ... ..	2	33
Daulat Khan... ..	—	2
Maradanga Beel ... ..	2	1
Tekhali Bazar ... ..	—	1
Charjobra ... ..	1	—
Davangangj ... ..	3	5

\* One case that was mentioned to us was that of a boy being shot in cold blood by a police officer. The incident happened in the United Provinces. The shot was fired from a revolver at very close range, in the region of the heart. The shirt which the lad was wearing showed no burn marks, indicating that the lad had been shot under the shirt. The boy died. There was no inquiry. It had been arranged that our informants should be with us during our stay in Allahabad, U.P., but political circumstances which developed made this impossible. We ourselves trust the version of our informant, and have therefore mentioned it. In the absence of statements of relatives or medical certificates we do not put this instance forward as a case of which there is valid proof.

† The figures in the schedule obviously refer to casualties on account of firing, since total wounded by other forms of police action are many times the total given.

‡ This list does not include the casualty list at Kohat, which was in November, 1931, when the Round Table Conference was sitting.

§ Now Sir Harry Haig.

|| One died subsequently.

Place.	Killed.	Wounded.
Chandipur ... ..	—	15
Bara Kalicharanpur ... ..	1	—
Shanpur ... ..	1	2
Upper Circular Road ... ..	—	2
Tehatta ... ..	1	3
Aksa ... ..	—	2
Masuria ... ..	3	8
Haibhar Uttar ... ..	—	1
Omarbad Shasania ... ..	—	1
Benares City ... ..	3	38
Ramkola ... ..	—	—
Jaganath Puri ... ..	1	2
Simaria ... ..	3	31
Meja (Allahabad District) ... ..	—	4
Allahabad ... ..	2	33
Umaraman ... ..	—	2
Motihari ... ..	2	8
Tarapur ... ..	13	24
Sheohar ... ..	5	8
Bombay* ... ..	34	91
N.W.F.P. ... ..	2	—

### First Victims.

*Troops Fire at Kohat.*†—The earliest and worst case of firing was at Kohat, in the North-West Frontier Province. In this instance fire was opened by the military. The official report refers to stone-throwing, in which Mr. Scroggie, the Superintendent of Police, was hurt on the nose. The crowd was estimated at between two and five thousand, and it was *lathi* charged more than once. The Deputy Commissioner parleyed with the leaders, during which, it is officially alleged, he was stoned. The troops then opened fire.

\* In answer to Mr. Gaya Prasad Singh, M.L.A., Mr. Haig stated that 130 Hindus and 83 Moslems were killed and 1,259 Hindus and 1,264 Moslems injured in Bombay in the Hindu-Moslem disturbances of May-June, 1932. The Bombay figures given in the schedule above, therefore, are those of casualties of police action against civil resisters.

† See also chapter on North-West Frontier Province. This is not a "war" on the "tribes." The "Red Shirts" are British subjects and the shooting was in British territory. The Kohat firing took place while Mr. Gandhi was in London at the Round Table Conference and is mentioned in his correspondence with the Viceroy in January, 1932.

The crowd was unarmed and had gathered as a result of the arrest of Abdul Ghaffar Khan, the Frontier leader. Stones were thrown after the *lathi* charge. It is officially stated that fourteen were killed and twenty-eight wounded altogether. The Annual Register (26/12/31), not a Congress publication, states that eleven were killed and fifty wounded in the firing on the East Side of the Kohat cantonment and "a number of people" were killed in the firing on the South Side. Father Elwin,\* after an inquiry on the spot, stated that at least fifty persons had been killed.

### Peasants Fired on.

A number of other cases of firing are on village people either by police, military police, or troops.

At Hashanabad a very large meeting of peasants was held on the 14th February, 1932. It was an illegal meeting, as it had been prohibited under Section 144. The police arrived and declared the meeting unlawful and ordered the people to disperse. The order was not obeyed and the police opened fire, killing two and wounding many others. Three of the wounded died in hospital later.

Another village gathering on which the police opened fire was at Tamluk, in Midnapore District (Bengal), where numbers of village men and women had assembled to make salt as part of the Civil Disobedience programme. The police declared the assembly unlawful and made a *lathi* charge. The assembly did not disperse and they opened fire. (Press report, 1/4/32.)

A third instance is that of an incident in Muzaffarpur. The official version is that a determined attack was made on the Sheohar *Thana*,† in the Sitamashi Sub-Division, on the 28th February, 1932, by a crowd of 7,000, armed with brickbats and *lathis*. An officer and two men of the Gurkha Military Police were alleged to have been injured by brickbats. The crowd was dispersed by firing, killing four and injuring eight persons. These are the official figures.

The unofficial version is that several thousand persons marched towards the *Thana* to hoist the Congress flag over the building, where the authorities, who had notice of the intended demonstration, had posted soldiers, and the

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\* An Anglo-Catholic missionary who was formerly an Oxford don.

† Police station.

Deputy Magistrate was present to watch the situation. Crowds gathered; the police snatched the flags from the volunteers who tried to hoist it and the onlookers threw some brickbats, when a soldier beat a volunteer with the butt end of a rifle. Of those killed the youngest was twelve and the oldest thirty.

### Cases in Towns and Cities.

In Bombay, according to Mr. Haig's statement, thirty-four persons had been killed and ninety-one injured as a result of firing. In Allahabad the police dispersed a procession on the 9th April by opening fire. They were men and women who had squatted on the road when prohibited by the police from proceeding with the procession. It was reported that brickbats had been thrown at the police by members of the crowd. Several rounds were fired.

### Government Figures Challenged.

At Tehatta,\* in Bengal, a conference of the Nadia District Congress Committee had been called on the 19th June, 1932. Police interfered with the arrival of delegates, refusing to allow the train to stop and prohibiting ferry boats from plying. Despite this, about four or five thousand people, according to police reports (ten to twelve thousand according to Congress and local estimates), gathered at Tehatta, a country place, whose normal population is 1,200 or so. Armed police were brought in, though Nadia is a district of Bengal where the violence party has no following. The crowd was non-violent; police broke up the gathering with *lathis*, bayonets and the butts of rifles. The crowd regathered in another place. The police now opened fire and wounded about twenty-five people and killed Satish Sardar. Mr. Haig's figures are one killed and three wounded.

Satish Sardar was not a Congressman but a spectator. He leaves a widow and five children between the ages of one and twelve. A number of people, including the wounded, were later on tried and sentenced to six months' rigorous imprisonment each. During the trial the police alleged that brickbats were thrown at them, but no inde-

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\* We made inquiries about this incident, and the facts here given were thus obtained.

pendent witnesses were called. There was no inquiry\* into the firing and no compensation either for the widow and children of Satish Sardar or to any of the wounded. A woman, Nitai Chand Biswas, who received a bayonet wound in the hand on this occasion, was acquitted at the trial. She states that while she was picketing the Union Court, one of the armed police grabbed her by the throat and a rifle was pointed at her. She was threatened with instant death.†

We also interviewed a Moslem lad, Fazahulla, who had been shot through the thigh. He had nothing whatever to do with the rioting, but had come into Tehatta to buy oil cakes for his bullocks.

At Benares there was a demonstration on the 5th January, 1932, following Mr. Gandhi's arrest. Three were killed, as admitted in Mr. Haig's statement, which says that twenty-eight were wounded. Local estimates put the wounded at about a hundred. There was stone-throwing, but no one was hurt by that, and the local people allege that it was done by the C.I.D.

The local account of the firing at Tarapore, Monghyr District (Bihar and Orissa), on the 15th February, places the number killed at eighteen and those wounded at eighty, against Mr. Haig's thirteen and twenty-four, respectively. There was a flag-hoisting demonstration. It was a country event,‡ but the District Magistrate, the District Superintendent of Police and a party of armed policemen went all the way to Tarapore. Local informants allege that the firing was aimed at individuals. The District Magistrate is alleged to have fired the first shot with his revolver, after a brickbat hit him. The stone-throwing is alleged to have been done by the crowd, and not by the Congress demonstrators, following indiscriminate individual beating and *lathi* charges by the police, in which the spectators were hurt. A punitive police force was stationed at Tarapore after the incident. No inquiry was ordered.

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\* The *Amrita Bazar Patrika*, an old-established paper of Calcutta, was ordered to deposit Rs. 6,000 as security for publishing the news.

† Intimidation of women by the military and punitive police was reported to us in a number of villages in Bengal.

‡ There was nothing special about the Tarapore demonstration. Similar demonstrations were taking place in many places that day, but the police preparations at Tarapore lent credence to the popular belief that the firing at Tarapore was premeditated.

At the firing at Allahabad City\* on the 8th April, 1932, the reports we obtained give the casualties as eleven killed and about a hundred wounded, as against Mr. Haig's two and thirty-three respectively.

Firing was reported to us during our visit to Tamluk and other parts of Bengal which is alleged to have resulted in deaths and injuries. These and other reported incidents do not appear to be covered by Mr. Haig's figures.

### **No Inquiry.**

The practice that obtains in India, of not ordering an inquiry even after people are killed as a result of firing by the Police or the Military, coupled with the visiting of penalties on the publication of accounts in newspapers, justifies our giving here some of the information that we collected, side by side with the official version. Ordinance rule appears obviously more arbitrary than even a Martial Law regime when Police, Military and District Civil Officers may shoot people dead or order firing and no inquiry is held after the incident and no compensation offered to the relatives of those killed, even when they happen to have been neutral citizens who are spectators.

### **(III.) RAIDS AND SEARCHES.†**

The Ordinances conferred on Magistrates power to issue warrants, to search premises and to seize property suspected of being used or *about to be used* for any purpose "prejudicial to public safety."

Section 19‡ provided for "general powers of search," and under it any authority capable of acting under Chapter II. of the Ordinance could authorise by "general or special order" "any person to enter and search any place" if

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\* It appears as though there is a mistake about the date of this incident. Mr. Haig's reply mentions the 8th April, while other reports give the 9th. We think, however, that one and the same incident is referred to.

† We have given here a few instances regarding which we have taken statements from the aggrieved party, or about which there have been public statements, as in Legislatures or in Law Court cases. Raids and searches were made by the police all over India. We have the figures of the total searches in six months in 1932. Two random instances would suffice to show the extent: Contai Sub-Division of Midnapore District, 45 searches; Muzzafarpur (Bihar), 39, in approximately six months. The worst cases are in the villages (see chapter on Villages).

‡ Ordinance II. of 1932.



the authority mentioned "has reason to believe" it to be necessary for

- (a) ascertaining whether it is expedient or necessary to use the power in question ;
- (b) ascertaining whether orders, etc., given in pursuance of his powers are being complied with.

In effect this meant that the police could enter any place at any time and carry on their search in their own way.

(1) Mrs. Asaf Ali,\* of Delhi, who is a Congresswoman, whose activities are known to the police, told us that her house was searched by the police in her absence,† and everything was turned upside down. No information or explanation was given, nor was her permission sought before the premises were entered.

(2) In the village of Amahra, Dinapore sub-division, Bihar, we were informed by about half a dozen persons, whom we questioned, about a police raid. The villagers protested, and we were told that the police replied sarcastically, "This is not British Raj or Swaraj ; what you are getting is police Raj."

(3) Mr. Neogy, a Member of the Assembly, gave an instance in the Legislative Assembly on the 2nd February, 1932. The house of Rao Bahadur G. C. Nag, a Government title holder and pensioner, a retired Deputy Collector,‡ was raided one night. Mr. Nag was grossly abused by a European police officer. When he remonstrated the officer told him, "If the Police Superintendent had come he would have beaten you." Mr. Nag's son and daughter were taken away and the lady was kept in custody without any charge and removed from place to place under male escort. The police smashed all the furniture in Mr. Nag's house. Mr. Neogy informed the Assembly that Mr. Nag had written to him about the facts.

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\* Mrs. Asaf Ali is the Hindu wife of a Mussulman barrister of Delhi. She has been an active Congress worker and been imprisoned. There has never been any accusation of complicity in violence movements in her case.

† If searches are conducted in this way, the complaint so often made, that the police "plant" evidence in searched places, cannot be described as unwarranted.

‡ A Deputy Collector is a magistrate, revenue official and often principal official in part of a district. It is an office almost invariably held by Indians.

(4) On the 6th June the private house of Seth Jamanlal Bajaj,\* in Wardha (Central Provinces), was entered by the police. The official order described the place as "The bungalow of Jamanlal Bajaj called the Ashram of Wardha." According to the press reports, there is no "Ashram of Wardha," and the place was a private residence where the aged mother of Seth Bajaj, his two sisters and their children lived. The inmates were sleeping at the time the police arrived. They were ordered to leave the house immediately. The police took possession of cash and valuables and even the jewellery of some women relatives, who had arrived in the house the previous day. Press messages in which this incident was reported referred to the characterisation of the building as an Ashram by the Government and considered it was part of the plan of the local police and that the local Government must have been misinformed.

(5) Mrs. Purna Devi, whom we met in Lahore, informed us that in 1930 her house was searched while her husband was in prison. The police came at 2 a.m., and as she was alone she told them she would not open the doors till the morning. They then broke open the door and entered the courtyard and climbed the pillars and got into the house. She also said that such searches were common. Three or four policemen would come and turn places upside down. The police are supposed to bring ordinary citizens to witness the search. In fact, such people as they bring are men in their own pay. Arrests are often made at night.

(6) Mr. Horniman† called attention to two cases of search under the Ordinances, in the *Bombay Chronicle*, for which the paper was called on to furnish 6,000 rupees as security. *The facts of the case were not disputed in court by the prosecution, led by the Advocate General.*

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\* Seth Jamanlal is a very rich banker and the treasurer of the Congress. He has dedicated his vast wealth to the causes of Congress, Untouchability, Social Reform and Handspun. A close follower of the Mahatma, he and Mrs. Bajaj have been sentenced to imprisonment. He is in C class. He was reported to be in bad health in jail. The C class sentence is regarded as a vindictive punishment on a man who, though rich, has thrown in his lot with Congress. The press report we have quoted was confirmed to us by several people with whom we talked.

† An Englishman who has been in India as a journalist for many years.

The police arrived at the house of the husband of Mrs. Urmila Devi, who had been sentenced to six months and fined Rs. 3,000, and attached the whole of the household effects. A second case was that of Mr. Mulraj Karsondas, who had been sentenced to six months' imprisonment and Rs. 5,000 fine. The police went to the flat where he resided and, despite Mrs. Mulraj's protest that the premises had been occupied in her name for ten years and could not legally be taken possession of by the police, they ejected her, her son and Mr. Mulraj's ninety-year-old grandmother, who all had to go and take refuge for the night with neighbours.

*Moslem Houses Searched.*—Mr. Abdul Matin Choudry read in the Legislative Assembly\* a telegram which had been sent to the Governor of Bengal by the Imam† of the Jama Masjid of Chittagong.

"Grossly insulting searches of about 150 respectable Moslem houses of Alkaran in the town made Wednesday, 16th instant, on meagre information regarding absconders. Indignities caused to paradanashin ladies,‡ some inside the houses and some dragged to considerable distance and exposed in public street after removing the male members under arrest to another place. Some paradanashin ladies roughly handled and rudely treated in the name of searches and Moslem males beaten and some grossly insulted. Mosa stopped from going to mosque. Noazzen of Alkaran Mosque threatened with bayonet and revolver to prevent Azari of afternoon prayer. In view of these facts learn great consternation causing bitter resentment and indignation in the Moslem community. This large mass meeting assaulted at Jameh Mosque premises on Friday, 18th instant, at 2 p.m., after Juma prayer under the presidency of Jameh Mosque Imam severely condemns such outrageous deed on innocent peaceful Moslem citizens of town and urges His Excellency for an immediate inquiry by an impartial commission of officials and non-officials and for proper and adequate redress."

#### (IV.) ATTACKS ON WOMEN AND CHILDREN.

The worst cases of ill-treatment of women and children have, like most of the excesses and atrocities, occurred in the villages and inside the prisons. In the towns, women have received *lathi* blows, but on the whole the proportion of women who have taken active part in the Civil Disobedience movement in 1932 is less than in 1930-31. In

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\* Assembly Debates, vol. VII., No. 5, p. 2855.

† The Imam is the High Priest of the Mosque, both the religious and social head of the community that belongs to the Mosque.

‡ *Purdah* ladies.

many instances, of which we have the facts, the women were savagely set upon, beaten or insulted by the police with the object of preventing them from participating, or to frighten them and others from such activities. In the many statements made to us or sent to us, complaints of foul and filthy language and threats of dishonour, either expressed or but thinly veiled, are made against all ranks of police officers.\* Statements have been made in Legislatures, and by police and executive officials to us, which openly admit that the treatment meted out to women civil resisters is intended to frighten them away by making such participation dangerous to their person and their self-respect.

Ill-treatment and excesses include :

- (1) Taking women resisters on police lorries and leaving them far away in lonely places.
- (2) Actual beating and threats of violence.
- (3) Abuse, indecent suggestions and insults.
- (4) Compulsion to travel (as prisoners)† in male custody.
- (5) Rape and indecent assault, etc.

The extent to which ill-treatment of women has occurred has varied from province to province, and our information is that in Bombay City, women volunteers and workers have on the whole been treated better. Madras, City and Province, appears to have a bad record. Bengal, especially in the villages, appears to have had the worst of this form of police vindictiveness. In Calcutta itself, we were informed that such beating of women as has been done has mainly been carried out by sergeants.‡ In Bombay, Congress people told us that the ordinary police rarely beat women, while for the women volunteers and their captain (who did not speak a word of English) the police seem to have great respect. The rural areas of the Bombay Presidency, Gujerat in particular, was subject to maltreatment of women.

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\* The women who are taking part in the nationalist movement in India to-day, in the towns and villages, till recently led sheltered lives. The police use foul and coarse language, as they know that it would hurt and frighten the women.

† See chapter on Political Prisoners.

‡ Sergeants in India are either Europeans or Anglo-Indians (mixed descent). The post is not open to Indians.

In the city of Bombay women were engaged in picketing during our stay there. Their organisation is illegal. It holds meetings all the same. The *Desh Sevika Sangh* was started about ten years ago, and its main work for the Congress has been the picketing of liquor and foreign cloth shops. Their leader told us that they were all well known to the police and all their movements were watched, but the police respected them. During a Hindu-Moslem riot, the captain of the women volunteers went to the scene and helped to quieten down the disturbance, which had become serious. There had been some shooting, too. A body of armed police under an officer then arrived. The lady told them: "Why come round now? It is all over. Everything is quiet." "If you tell us everything is all right, then it must be so, and we can go back," replied the officer. The police went away.

### Caning of Women.

The Delegation\* arrived at Siddapur, Bombay Presidency (Kanarese area)† on September 1st, 1932. The officials and the police whom we met assured us that all that appeared in Congress bulletins was untrue. Policemen never seized stocks of foodstuffs, grain or funds as alleged by Congress, and in no case were women beaten.

While we were with the *Mamlatdar*‡ and Circle Inspector of Police shouts and cries were heard in the street below. An old woman approached us and spoke in Kanarese. This was interpreted to us. She said that many women had been arrested and among them was her daughter, who had been beaten by the police. The Inspector and the *Mamlatdar* were unable to give any explanation. The latter asked us to go with him to the police compound and see the prisoners. Squatting on the verandah were fifteen women and two girls, the latter aged seven and nine. The Sub-Inspector who had been with us at the beginning was now here and was walking up and down before the women and looking at them fiercely.

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\* One member. The term "Delegation" and "we" are used according to the plan we have followed in this Report.

† This is the Congress Kanataka Province. Congress organisation is based on linguistically demarcated provinces.

‡ A revenue official, with authority corresponding to that of a District Magistrate over the sub-division of a District. He is also a magistrate.

*The Women's Story.*—They had come into the town half-an-hour after the Delegation's arrival. They were determined to make a demonstration. A crowd had followed them; the shouting we heard in the bungalow was the shouting of the people. The Sub-Inspector and his police dispersed the crowd, arrested the seventeen women who had come from outlying villages and had caned them on the way to the police station. They made no resistance and were non-violent, and yet they were struck from behind by the police as they were marched off.

*Injuries.*—On the right shoulder of one was plainly visible a recently caused stripe; another had a contusion on the head; a third showed a mark on the arm, and the widow who seemed to be in charge of the demonstration displayed a badly bruised arm which she said had been caused by the police.

*Official Admissions.*—We inquired if they were arrested. The reply was: "They are not arrested, sir, they are only detained. They will be released to-night."\*

Further questioned on why they were held at all in police custody, the *Mamlatdar* replied: "These women must not come into town making . . . demonstrations."

Asked about the beating, he replied: "I know nothing about that. I was not there."

He, however, agreed that the women had been beaten, and the police Sub-Inspector, who was still present, did not deny that the women had been caned.

On being further pressed for the reason for beating the women, the magistrate said: "Others must be shown that they can't do this sort of thing. They will be released and no harm will come to them."

While the discussion was going on the women protested against the Sub-Inspector (who had done the beating), and he shot out, "You will get worse than this." The women defied him to do his worst.

We took up the case with the Circle Inspector at the bungalow, later, and he denied knowledge of the facts of the case, but warned us that he knew of a case in which complaints had been made to Mr. Clee, Home Secretary to

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\* The police everywhere appear to have made a practice of releasing women prisoners at night, often late. This was also intended to frighten them away from their activities. Often they had to walk miles back to their homes. (See further instances in this chapter.)

the Bombay Government, and in this case it was found that one woman had beaten all her arrested companions in order to make out that the police beat women.\*

We subsequently learned that the women were released at dark that night, when it was raining very heavily. No food was given them and they were sent out of the town to walk many miles back to their villages.

### **A Hospital Case.**

We took a statement concerning Mani Devi Temmana, of the village of Vasare, Ankola. She, a widow of about forty, refused to vacate her house, which had been attached under the law for non-payment of land revenue. The head constable entered the house and beat the woman with his shoes† until she was unconscious. She was then dragged out of the house and left in the field. Her neighbours picked her up and took her to Ankola in an unconscious condition. She was admitted to the public hospital for treatment. The incident took place ten or twelve days prior to our visit.

We were invited to go to Ankola and see Manni Devi, which we were unable to do, owing to lack of time. This statement was taken in the presence of witnesses.

### **Policeman in a Ladies' Compartment.**

Miss P. Kameswari Amma, B.A., a young lady graduate of the Queen Mary's College, Madras, was one of our hosts at Rajhamundry. Among other incidents she told us about a constable forcing himself into a second-class ladies' compartment on a train. Mr. Abdul Hameed Khan, M.L.C., interrogated the Government of Madras in the Legislature on this matter, and the Home Member replied that the Government had found the allegation untrue.

Miss Kamaswari then wrote to the Home Member, giving him all the facts, which were :

(1) A constable (Raju) entered and travelled in the second-class ladies' compartment.

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\* This appears to be a common police story. We were told an even more amusing one on the frontier, but it was too ridiculous to be even a good story, and the Inspector-General of Police whom we met afterwards denied it. (See Chapter on the North-West Frontier.)

† Beating with shoes, apart from causing physical injury, is regarded in India as a very insulting form even of punishment.

(2) In that compartment, besides herself, there was one of the daughters of Sir Raja Bhujangarow, a *purdah* lady, who was shocked by the man entering the compartment.

(3) She has other witnesses also to prove the incident.

(4) She told the constable that it was a ladies' second-class\* compartment and that he should leave, but he paid no heed and persisted in remaining in the compartment.

(5) No attempt was made to obtain any information from her, who was an aggrieved party, and on whose behalf the matter had been raised in the Council.

This is one of those cases which, in our opinion, make Government "investigations" and denials unconvincing. We know the party concerned in the case, and have not the slightest hesitation in believing her version, which she has published and the Government has merely ignored.

The police knew her as a Congress woman, and indeed she had once been beaten by the police.\*

### Leaving Women Stranded.

The practice of taking women volunteers and pickets miles away is one of frequent occurrence. It has often been denied by Government, but in Madras and Gujerat we heard of many instances. The matter was raised in the Madras Legislature by an ex-Minister, Mr. A. Runganatha Mudaliar, M.L.C., who asked the Home Member whether, on the 14th January, 1932, the police took some ladies from the Gandhi Ashram Komeravole in a car and left them in Pullaganta, twelve miles from the Ashram.

The Government reply was that the assemblage of persons in the Ashram was prohibited, that the ladies had assembled in defiance of the prohibition and refused to leave when ordered. They were therefore taken in a bus† and left four miles off to prevent their return to the Ashram for the time being. The Home Member justified the police

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\* Men travelling in a ladies' compartment, even if this compartment is unoccupied, or the ladies are members of the same party, is not permitted in India. We had experience of this ourselves. Policemen do not travel second-class, either.

† Incidentally it may be mentioned that police commandeered buses and pay nothing in fares or costs. Busmen dare not disobey or decline to oblige the police for fear of forfeiting their licences or being arrested for some offence or other.



action, as he thought it was a good way of preventing them from carrying on their unlawful activity. Questioned on the legality of the proceeding, he said that it came under the "General powers to prevent the commission of offences."\*

### **Mrs. Nehru Beaten.**

Mrs. Motilal Nehru, the widow of the late Pundit Motilal Nehru, was witnessing a Congress demonstration in Pursotamdas Park, Allahabad, on the 8th April, 1932. She was pushed off her chair and fell down. She was beaten with lathis on her body and on her head. She was wounded on the head and was bleeding and fainted.

Mr. Donaldson, the District Magistrate of Allahabad, issued a *communique* on the 12th April about this incident, in which he quoted a "Congress Bulletin,"† which, he said, alleged that Mrs. Motilal Nehru had stated that she was beaten by a European officer. Mr. Donaldson denied this as Mr. Measures, the District Superintendent of Police, the only European officer present at the incident, had "denied it emphatically." The *communique* does not deny that Mrs. Nehru was beaten or that she was wounded.

### **Molestation.**

We have in our possession copies of signed statements of many women victims of police *Raj*. Some of the statements from Bengal and Gujerat refer to cases of attempt at or committal of rape on women by police. In the reports and accounts which we obtained in the places we visited‡ were included assaults on women and attempts or committal of rape. There are also instances where the aggrieved party has been before us.

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\* It may be stated here that the study of Questions and Answers in the Legislatures would show the extent of police excesses and how callous the official side is about them. Satisfactory answers are scarcely ever returned, and even when the Question refers to specific cases the Government spokesmen evade replies, or say that they have "no information."

† These Congress Bulletins are unlawful, but without them the police would be lost in their task of pursuing Congressmen and their activities.

‡ These include collected statements as well as cases mentioned to us. We have refrained from using collected reports as evidence here, though from the widespread nature of the allegations and circumstantial evidence, it stands to reason that they represent facts.

At Barhee, Monghyr District, we met a woman named Dhanma. A policeman in plain clothes entered her home on the 24th August. He took her in his arms and brought her to the yard of the house. He made indecent jokes and asked for intimacy, when she raised the alarm, and her husband, who heard the cry, fetched another policeman. A complaint was filed before the District Superintendent of Police. He took notes of the case. The policeman was taken to the Inspector of Police.

### **Allegations in the Assembly : Rape Cases.**

On the 3rd December (after we had left India), Mr. S. C. Mitra, Member of the Legislative Assembly, placed in the Library a copy of a report of an investigation made on his behalf by an ex-captain, who served the Empire during the war, who visited sixteen villages. Mr. Mitra, in his speech, refers to the part of the Report\* dealing with the oppression of women :

"He (the ex-captain) gives instances of two women on whom rape was committed. I have here their photographs, with their statements and thumb impressions, which I place on the table of the House for the inspection of Honourable Members, as well as that of the Government. It is known that in Eastern countries chastity is so highly valued that when a woman loses her chastity she is outcasted. Therefore no woman in India will ever make a false statement that rape was committed on her. I read one of them. In the statement she says her name is Kusum Kumari Mondal. On the 15th September, on Thursday night, she was sleeping with her husband. At about midnight a contingent of police came and took away her husband and all the male members of the adjoining house. Some time after, her brother-in-law alone returned. Afraid to live alone, she went to her brother-in-law's house. She was in bed with her sisters-in-law and other female members. A Pathan policeman came and took away her brother-in-law. That policeman came back and with the help of a torchlight picked Kusum up and forcibly dragged her to her house and beat her ; when she screamed, gagged her and committed rape on her. Her thumb impression and statements are laid on the table of the House.

"Another case of rape is that of Sushila Baba Pradhari, of Sutahata. I place also her statement with thumb impression on the table of the House. To save herself from the police she took shelter in the house of another woman, Puti, a neighbour, who was not assessed with any punitive tax because she was too poor. The police knocked at the door and asked if there were any volunteers

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\*The Report is in Bengali and a copy of it is in the Assembly Library. Mr. Mitra had attempted to obtain publication of these facts in the press, but no paper would dare to print them.

in the house and wanted to see the house and personally satisfy themselves. They opened the door. Instead of looking for volunteers, they closed the door and forcibly thrust Janaki and the other female into another room. Then she was threatened and raped. These are the statements of the women and there are their thumb impressions also. I place them on the table of the House so that Honourable Members can see them if they want to.

"There are six other statements of Kherankari Barnek, Ginvala Roy, Bilashim, Parul Bibi, Bishnu Maiti and Saraswathi Pal, who definitely allege that attempts were made to outrage their modesty. I shall not go into details. . . ."

### A Magistrate's Order.

Mrs. L. S. Prabhu and two other women, civil resisters, were on trial before Mr. Dodwell, I.C.S., for picketing a foreign cloth shop. Mrs. Prabhu was sentenced to six months' rigorous imprisonment and a fine of Rs. 1,000. Mr. Dodwell called upon her in court to surrender all the jewels on her person. She gave up all her jewels except her sacred *Thali*† or *Mangala sutra*. It was represented to the magistrate by Mrs. Prabhu's lawyer that according to Hindu religion and law the *Thali* was sacred and could not be removed from the body of a woman except on widowhood. Mr. Dodwell then called a policeman to remove it in court. Fearing forcible action by the police, Mrs. Prabhu allowed her fellow prisoner to remove it.

The action of the magistrate caused indignation not only in Madras, but in other provinces. The matter was raised in the Legislature, and the Women's Indian Association telegraphed protests to the Governor of Madras and the Viceroy.

The prohibition against the removal of the *Thali* is recognised even by the British administration. Section 242 of Chapter 17 of the Madras Jail Manual states that :

"Caste threads of Brahmins or other thread wearing castes or the *Thali* or wedding rings of women shall in no case be removed."

Mr. Dodwell's action was regarded as a calculated insult to Indian womanhood ; his refusal to take note of the protests of the lawyer for the defence and the requirements of the law shocked even pro-Government opinion.

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\* Assembly Debates, 3rd December, 1932, p. 2851 and 2852.

† The *Thali* is a symbol of marriage. It is tied round the neck by the bridegroom when a girl is married and is removed only after his death, as a sign of the widowhood of the woman.

## The Official Explanation.

The Madras Government at last issued a *communiqué*. It stated that from the report of an inquiry conducted by the District Magistrate on the action of Mr. Dodwell, Sub-Divisional Magistrate of Tellichery, Government considers the action of the Tellichery Magistrate as a serious error of judgment, which the Sub-Divisional Magistrate himself has realised and for which he has expressed sincere regrets.

Mr. Dodwell was transferred to another town. No expression of regret was made to Mrs. Prabhu and public opinion regards the characterisation of the act as "an error of judgment" as whitewashing.\*

A press report of the case records a question from Mr. Dodwell to the accused: "What will you Indian women do if you are molested in police custody?"†

When we visited Mr. Gandhi's Ashram at Sabarmathi, where we met women members of that seminary, some of them elderly women who had been beaten by the police on more than one occasion for taking part in processions.

## Water Hose as Punishment.

In the city of Madras and elsewhere the police used to douch women pickets and volunteers with coloured water. The water hoses of the Corporation were used for this purpose, and this "hose treatment" had the effect not only of drenching people but of knocking them down.‡ The Madras Corporation stepped in as a result of public feeling and protested against the practice and the use of the Corporation property for the purpose.

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\* The expression "error of judgment" in Government explanations and reports has unsavoury associations in the minds of Indians. The Hunter Commission, which, after public agitation, inquired into the shooting at Jallianwallah under the orders of General Dyer (the massacre of Amritsar), characterised the General's action as an "error of judgment." Hundreds of Indians had been killed and many more wounded and reprehensible enormities were perpetrated during the martial law period.

† This kind of suggestion and threats of insult and outrage is alleged to have been made by responsible officials and police officers, with the object of frightening away women from participation in the Civil Disobedience movement.

‡ Dr. Forrester Paton, whose case was raised in the House of Commons and in the end drew an apology from Sir Samuel Hoare, was subjected to this "hose treatment" with coloured water.

## Schoolgirl Beaten.

At Ahmedabad we stayed with Mrs. Mehta, a Congress-woman who herself and all her children have suffered imprisonment. The youngest daughter of Mrs. Mehta, who at the time was a schoolgirl of fifteen, was pursued by the police and beaten with lathis. She had once before been arrested for carrying a National Flag.\* On the occasion of the beating mentioned, however, she was watching a flag salutation ceremony, as a member of a crowd, one morning on her way to school.

At Ahmedabad also we came across another incident which is a commentary on police treatment of women. There has been widespread feeling about the man-handling of women processionists, pickets, and volunteers, and the threats of molestation. Miss Nilakanta, the head of the local National Girls' School and a graduate of an American University, replied to the threats by appearing as a picket armed with a knife. She announced that if there was one attempt at molestation she would take her life rather than submit to it, as her countrywomen would. We met the young lady principal ourselves at Ahmedabad.

## (V.) BEATINGS IN LOCK-UPS.

Beating, or other forms of torture, in a police lock-up, which are entirely illegal, appear to have been adopted by the police in almost every province. Madras, Gujarat, Bengal and the United Provinces furnished us with instances. It is at once one of the worst forms of atrocity and the most difficult to prove. The objects of inflicting these severities inside the lock-up are :

- (1) To extract apologies.
- (2) To frighten the prisoners and the people away from participation.
- (3) Police vindictiveness or punishment.
- (4) To keep people in restraint over a period.
- (5) To avoid arrests and convictions.

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\* At the Gujarat Provincial Conference, which was held on the banks of the river Sabarmathi, the lady members and volunteers succeeded in holding the Congress flag in spite of police attacks. This girl, Miss Mehta, appears to have taken a prominent part in this flag incident, and prevented police capturing the flag.

At Calicut we arranged to meet some Congress volunteers. They were all young men, whom we met in their own headquarters, at a late hour at night. The police would have raided the place if they had known. The police in Calicut, from all the information we had, have a very bad reputation for beating and atrocities in general. We examined at some length the cases. One was that of a barber boy, aged perhaps nineteen, who was not a volunteer. He stated to us that he went near volunteer camps and that his sympathies were with Congress people. The beating by the police on the roads, etc., had made him and many others\* sympathetic with the Congress people. He had in consequence refused to shave policemen in his saloon.† He was taken by the police one day and severely beaten in the lock-up. We saw marks of the beating all over the lad's body. Another young man whom we met there was a Congress volunteer, who had been arrested at Quilandy‡ and severely beaten and kicked by policemen with their boots. He was under treatment for several months afterwards. The police tried to extract an apology.

Apart from these two instances on which we questioned these men and convinced ourselves, the reports of savage beatings in the lock-ups which appear to have been a special feature of the Calicut police methods, were mentioned to us by many people, mostly opponents of Congress. Mr. Manjeri Rama Aiyer, a follower of Mrs. Besant and an opponent of Congress, Mr. Dutt, a merchant and a title holder, Mr. N. S. Krishnan, another merchant, whom we met (and others), spoke to us about this matter and also said that they had made representations to the Collector.

Mr. Russell, the Collector, received us in his bungalow, and our interview was most friendly. We took up the

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\* We had occasion to talk to a Moplah (Moslem), a former employee of our Calicut hosts. He is a working man and has no politics. He spoke to us of police *Zulum* and how the beating of young men was heartbreaking. He also said that moplabs have not joined Congress people in large numbers, because Congress does not allow people to protect oneself or to return blows or to retort to insults. He usually turned away from the scenes of these atrocities as the spectacle made him very angry. As a jutka driver he was always at the mercy of the police, and the best thing he could do was to say nothing to anyone. He also said that the police never pay fares for hackney carriages.

† Policemen do not pay for this service and to refuse to render it is to ask for trouble.

‡ A small town 15 miles north of Calicut.

matter of the police lock-ups. He did not deny that such incidents took place, though he made no admissions. But he said that the police denied it, and since there was no Independent testimony all he could do was to ask the District Superintendent of Police to tell his men to use authority with discretion. The interview confirmed our feelings about the police beatings in Malabar.\* The "evidence" that the Collector referred to would never be obtained, since in a lock-up the only people are the police and the victims.†

In the districts of Gujerat, men and women are reported to have been detained for long periods in lock-ups. The compulsion to sign apologies appears also to have been a feature‡ and followed as a part of the police programme there. We have with us a list of some of these incidents which confirms the many instances related to us during our stay in Gujerat. It covers Ahmedabad, Kaira, Broach, and Jallapur. We took some statements ourselves.

*Khushalbhai Vara Sabhai*, aged 20, of Yorawadi, Taluka Mandavi, made a statement before us. He is almost blind; from a distance of two feet he described a watch as a "metal piece."

"In February, 1932, I was one of a party selling contraband salt. The police caught the party and took us to a police *thana*,§ beating us with lathis on the way. Four of us were separated and beaten again with *lathis*. I was made to sit and was kicked with heavy boots on my back. There was one European officer present. He compelled us to bend down and hold our toes; while we were doing this we were beaten on the back till the cane broke. Another cane was then brought. We were then asked to take care next time on pain of death, and driven away in different directions. I was in bed for fifteen days afterwards."

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\* Calicut is the District Headquarters of the Malabar District. We do not wish to suggest that the Collector made any admissions to us. Our conversation was frank and friendly and on either side it was understood that it was informal, non-committal and private.

† Police excesses and beatings in lock-ups reached a regrettable state in July, which led to a deputation of leading non-Congressmen waiting on the Collector, Mr. Russell. We met some of the deputation, who told us about the atrocities in the lock-ups. After the deputation, beating in the lock-ups appears to have been less severe. We have copies of medical certificates in regard to three of the victims of the lock-up beating.

‡ The desire on the part of Government officials to obtain apologies is responsible for much of the ill-treatment in lock-ups and prisons. An "apology" is a feather in the Government's cap since it adds to the evidence of the people being "disillusioned."

§ *Thana* is a police station.

*Ellore.*—*Koti Narasimha Rao*, of Ellore, 19 years old, declared that some days before our arrival he was arrested with others for pulling the communication cord of a train (we had seen the incident reported in the papers). He was kept in the railway police station at Bezwada for two days. Half-an-hour after entering the police station, Railway Sub-Inspector Kamaria Narajana and another Sub-Inspector (in mufti) came in and beat him severely. This was on September 1st. After the two days, during which he was partly conscious, the lad was allowed to go.\*

*Bezwada.*†—In the second week of January, 1932, a young man named Bhimavarapur‡ was taken to the town lock-up and was beaten severely in the night, so that he vomited blood.

On the 29th April, 1932, Yeleppadi Subramanyam, who was distributing pamphlets in the court, was arrested and kept in the lock-up and was asked to reveal Congress secrets. On his refusal he was beaten by the sergeant and Sub-Inspector. He was forced to sign a paper.

### **Imprisonment in Lock-ups.**

The day before we arrived in Calicut the police rounded up a large batch of volunteers. They were kept in the lock-up till we left the place. The step was taken to prevent us seeing any demonstration. The first order was to confine these men for three days or so. We extended our stay by one day and the men's confinement also was extended. On the day of our arrival a "friend" came to inquire how long we would stay and what our plans were. We discovered afterwards that the "friend" was a close friend of a certain police official. As in every other place, our residence, a

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\* Confirmation of this story would appear to be in the fact that the boy appeared before us five days or so afterwards, when normally he would have been sent to jail. His beating was the punishment in place of arrest.

† We were given at Bezwada a copy of a memorial submitted by twenty members of the Bezwada Bar to the Government containing instances of police excesses, casualty statistics and lathi charges, etc. The above two instances are taken from that document, of which we have a copy. In answer to questions the Home Member almost always returned the answer, "No information," and finally issued a *communiqué* in reply to the memorial. We have dealt with these under Government denials.

‡ We are not sure that we have spelt this name right.



private house, was closely watched, and so were all our movements.

In Madras we were told by Dr. Subbarayan, ex-Chief Minister of the Province, that about six months ago (we were in Madras in August) two girls, aged 13 and 14, turned up at his house at 11.30 at night. The police had kept them in the station all day, where they were taken because they were picketing a shop. Dr. Subbarayan saw the head of the police about the matter and informed him that the girls were let out late at night and that they could not get home. All buses had stopped. We were told that, as a result of this, instructions were sent out to keep girls in police stations only till 8.30 thereafter. The two girls had not been tried, but were locked up for the day.\*

Chunilal,† of Rastampur village, Rae Bareilly District (United Provinces), arrested on the 5th March, 1932, for picketing foreign cloth, in a statement made to us said that from the street he was taken by constables to Rae Bareilly Kotwali. They let him sit there and said nothing for one day. The second day at 10 o'clock the Police Sub-Inspector came and took him by the ear and asked him to apologise. He declined. The Sub-Inspector then dragged him by the tuft† and ear and knocked him against the wall, several times. "From the 5th to the 11th I was given water alone, and no food." Food was sent by his people, but the police did not allow it to be given to the man. They said that unless he apologised no food would be allowed. The Sub-Inspector came three times a day and beat him and knocked him about, with his hand and with a stick. There were four other people in the lock-up who were similarly treated.

On the 15th March, *Lutchman Khusji, Bissember* and twelve others went to picket. They were treated the same way and kept for five days. The food sent from their houses was given to horses of the policemen. They were released with a warning.

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\* The police inflict punishment. This is not the same as holding someone for questioning or pending trial or inquiry.

† The handwriting in this part of our notes is not very legible. The name may be Chamanlal or some other variant. Similarly other proper names may have been misspelt.

Some Hindus wear long hair.

Bhundo and Mahadev, two of them, were passing blood when they left the lock-up.

Bhundo belongs to Nigoh village. He is now in prison at Rae Bareilly.

P. Krishna Rao and P. Sastri Raju were taken to the police lock-up on the 21st February, 1932, at Robertsonpet Muslipatam (Madras Presidency). In a statement they alleged that inside the lock-up they were beaten with canes, and also given blows with fists and kicked. They were then produced before the Circle Inspector and Sub-Magistrate and asked to apologise. They refused. They were let off.

The Government in a *communique* published on the 7th March denied the beating in the lock-up. The following are copies of medical certificates issued by Dr. M. Seshacharlu, L.M. & S., a qualified doctor, dated the 24th February, 1932, in respect of the injuries found on the bodies of the two men.

"I have examined Mr. Pochiraju Krishna Rao, son of Mr. P. Apparao, native of Muslipatam, on 24/2/32, at 1 p.m. He bears on his person the following injuries:

"A horizontal abrasion  $\frac{1}{2}$  inch by  $\frac{1}{8}$  inch,  $\frac{1}{4}$  inch below the right external Caudus. A circular abrasion of the size of a two anna silver piece on the right nalar bone. A horizontal abrasion  $\frac{3}{8}$  inch by  $\frac{1}{4}$  inch two inches to the left of the fifth cervical vertebra. An abrasion of the shape of a square with side of an inch immediately behind the middle of the right stenocephalo mastoides. An abrasion on the dorsum of the right forearm three fingers breadth above the lower end of the ulna, its size being 1 inch into  $\frac{1}{4}$  inch. A horizontal abrasion on the lateral aspect of the right forearm  $4\frac{1}{2}$  inches above the lower end of the radius, its size being  $\frac{3}{8}$  inch into  $\frac{1}{4}$  inch. An oval contusion  $1\frac{1}{2}$  inches into  $\frac{3}{4}$  inch,  $\frac{1}{2}$  inch to the left of the thoracic vertebra. A circular contusion of the size of a pice  $\frac{1}{4}$  inch to the left of the eleventh thoracic vertebra. Two linear contusions  $2\frac{1}{2}$  inches long and  $\frac{1}{4}$  inch apart running parallel to the vertebral column and an inch to its left at the level of the first and second umbro vertebra. An oval contusion of the size of 1 inch into  $\frac{1}{2}$  inch  $1\frac{1}{2}$  inches to the right of the fourth thoracic vertebra. Two linear contusions  $\frac{1}{2}$  inch apart running parallel to the vertebral column from the level of the eleventh thoracic vertebra to the second vertebra and  $1\frac{1}{2}$  inches to the right of the vertebral column.

"The number of injuries is thirteen.

"(Signed) M. SESHACHARLU (L.M. & S.)"

"I have examined Mr. Poranki Sastri,\* son of Mr. P. Seshamraju, native of Hanumanthapura Agraharam, Gaddipadu, on 24/2/32, at 12.30 midday. He bears the following injuries on his person:

"A horizontal abrasion  $\frac{1}{2}$  inch by  $\frac{1}{8}$  inch on the right side of the bridge of the nose and 1 inch below the glabella. A horizontal

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\* Same as P. Sastri Raju in the case.

abrasion  $\frac{3}{8}$  inch by  $\frac{1}{8}$  inch  $\frac{1}{4}$  inch from the tip of the nose and on the right side. A contusion at the middle of the upper lip immediately below the ala nasi ill-defined in outline. A triangular contusion below the right lower lip 1 inch into  $1\frac{1}{2}$  inches into  $\frac{3}{8}$  inch and  $\frac{1}{2}$  inch below the middle of right lower lip. An abrasion oval in shape,  $\frac{7}{8}$  inch into  $\frac{1}{4}$  inch, 5 inches to the left of the first lumbar vertebra.

"Injuries are five in number.

"(Signed) M. SESHACHARLU (L.M. & S.)\*"

## (VI.) SOME MEDICAL EVIDENCE.

We were shown in many of the places that we visited medical certificates issued by qualified doctors relating to injuries inflicted by the police. We were also informed that in several places hospitals which received Government aid would not render medical assistance to the victims of police excesses. "People's hospitals" had been established in some towns which were financed by public subscription and run by qualified medical men who are independent practitioners and gave their services free. The hospitals that we saw were not part of the Congress organisation† and the doctors were not all members of the Congress. Since participation in such an activity laid them open to the hostility of the police it must be assumed that their sympathies with Congress or their sense of duty as medical men compelled them to render service where needed. These doctors and hospitals in many places were attacked by the police.

### Beaten to Death.

A Congress volunteer, Kumaraswami, aged 27, was beaten to death at Tiruppur (Madras Presidency) on the 11th January, 1932. Kumaraswami was taken to hospital at 9.30 a.m. in an unconscious state. We reproduce below the wound certificate and the post-mortem certificate

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\* The copy of the medical certificate, in our possession, is not a very clear one and we have transcribed it as accurately as possible.

† We were informed that in the 1930-31 Civil Disobedience movement there were many Congress hospitals, and also that in some places, even last year, hospitals were at first run by the Congress organisation.

issued by Mr. T. V. Gopala Menon, Civil Assistant Surgeon\* of Tiruppur (a Government official) :

" I, T. V. Gopala Menon, M.B., B.S., do hereby certify that I examined one Kumaraswami, aged 27, an inhabitant of Tiruppur, on 11/1/1932, at 9.30 a.m., when he was brought to the hospital in an unconscious state, and that I found the following injuries on his person :

" (1) A contused wound two inches long and scalp deep on the head, just on the left fanetal eminence, oblique in direction.

" (2) A contused wound one inch long and scalp deep at the back of the head two inches behind the left ear, oblique in direction, with considerable haematome for an area of three inches in diameter around the same.

" (3) Two abrasions, each half an inch in diameter, on dorsum of right hand.

" (4) A contusion with ecchymosis four inches by three inches on the left side of the chest.

" *Post Mortem*.—The following injuries were found in the head at the post-mortem examination the next day, i.e., on the 12th January, 1932 :

" Underneath the wound No. 2 a depressed fracture of  $1\frac{1}{2}$  inches by 1 inch noticed in two pieces; another triangular piece  $1\frac{1}{2}$  inches by 1 inch of fractured bone present below and in continuation of the above fracture. A few pieces of thin blood clot over the brain, more on the left side. The fracture extends inwards in the posterior fossa of the skull for about 2 inches in an irregular line across the middle line of the base. I am of opinion that the injury No. 2 with the internal injuries was of a very serious nature and proved fatal. The injuries were said to have been due to *lathi* blows on 11/1/32, a few minutes before.

" (Signed) T. V. GOPALA MENON,

*Civil Asst. Surgeon, Tiruppur.*

### Another Case.

In the procession in which Kumaraswami was beaten to death other volunteers were severely handled. One of them, B. S. Sundaram, received serious injuries, and Mr. Gopala Menon's medical certificate, of which we have a copy in our possession, records ten injuries to arms, hands, legs, hips and liver. Four of these are fractures and three

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\* The Civil Assistant Surgeon is the senior doctor and the head of the Government-aided hospital in a district town like Tiruppur. He is not the District Medical Officer but ranks below him. He usually belongs to the Provincial Medical Service. A fee of Rs. 50 was paid for obtaining these certificates.

of them comminuted fractures. The medical certificate records that four injuries are of the "nature of grievous hurt"\* "and the rest simple."

Mr. Sundaram made a statement before the Court which contradicts the police story of there being a large crowd, etc. He said that he led a procession of nine volunteers in defiance of a prohibition order made under Section 144. The procession consisted only of Congress volunteers. He repudiated the suggestion that there was any crowd following them or any hostile crowd near the procession, as had been stated by the police while he was in hospital. There were only a "few stragglers" on the roadside standing at a distance. The procession was stopped beside the police station. The Circle Inspector and constables charged on them with *lathis* without warning. Kumaraswami received fatal injuries and Sundaram was maimed; others had broken ribs and other wounds. Mr. Sundaram was knocked down semi-conscious, when one constable propped him up and the Circle Inspector beat him again. He was asked to run, and the Circle Inspector was shouting that it "was not Gandhi *Raj* but British *Raj*." He was semi-conscious and he lost count of the blows after he had counted nineteen of them.

No public or private enquiry was held on the case, even though one man had been beaten to death.

### At Calicut.

We visited the "People's Hospital" at Calicut and saw the doctors and the patients, some of whom were still suffering badly from the effects of the injuries inflicted several weeks before. Two of the cases were particularly bad, and we mentioned the instances to Mr. Russell, the Collector of the District. We obtained copies of the medical certificates† given in the case of seven Congress

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\* If an assault results in "grievous hurt," as between two citizens, the punishment for the person guilty of inflicting the hurt might extend to seven years' imprisonment in India. The Ordinances, as we have shown, indemnify the police in advance.

† These copies are in our possession. We are not reproducing them here in text for reasons of space; the summary gives the nature of injuries inflicted and the ages of the victims. We have also in our possession more copies of medical certificates.

volunteers admitted into that hospital on 13th August, 1932, a few days before our visit. They had been beaten with full-sized lathis and canes, while participating in a procession. They were beaten till they bled but refused to disperse and had therefore to be arrested and carried away. The particulars as in the medical certificates are :

<i>Name.</i>	<i>Age.</i>	<i>Summary of Injuries.</i>
Kunhiparambath Kunhiraman	23	Injuries serious ; wound on head, contusion on shoulder blade, head and collar bone.
Korapally Sankara Narayanan	17	Head wound $\frac{1}{2}$ inch, contusions on both shoulder blades, both wrists, waist and hips, left leg, etc.
P. Subramania Nambudiri ...	18	One-inch wound on forehead, nine contusions, 4 inches each on back, injury to lower third of left leg, right hand and one finger, contusions on the head, nose and ear.
K. Chathukutty Nambiyar...	25	Ten contusions, 4 inches long each, on back part of body ; several contusions on back of lower extremities, and nose.
K. Ekkanda Warrior ...	20	Injury $2\frac{1}{2}$ inches by $\frac{1}{2}$ inch on left wrist, four injuries to right leg, contusions on hands, shoulder blade, upper part of left leg.
K. Raghavan Ezuthachan ...	18	Injuries to right leg, hand and wrist, and contusions on the back.
Muthiyala Prabhakaran ...	18	Contusions three inches long on back, also on right leg, left hand and middle of humerus.

These certificates are signed by five medical men\* :

- (1) Manjeri Sundaram.
- (2) H. Krishna Naik.
- (3) A. B. Das.
- (4) C. V. N. Iyer.
- (5) V. Krishna Menon.

The first of these is the Vice-Chairman of the Calicut Municipality.

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\* The victims in this list come from all castes, from the highest and most orthodox Nambudiri Brahmin to the Thiyyas, whose approach pollutes the Orthodox in Calicut. The doctors are also of different communities and political views.

## Conjeeveram.

(Madras Presidency, June, 1932.) Mr. Vedantham, with a party, was engaged in Congress propaganda during the Conjeeveram Car Festival.\* He was beaten by the police with *lathis*, and in a statement it is alleged that he was trampled and kicked by the police. He received medical attention for a week, and we reproduce below a copy of the medical certificate :

" This is to certify that Mr. M. T. Vedantham, residing at Sri Rangarajan Street, Little Conjeeveram, was under my treatment from the night of 31/5/32 to 4/6/32 for the following injuries :

" (1) A contused wound about 1 inch long and skin deep on the left forehead about two inches above the left eyebrow.

" (2) The testes were swollen and painful.†

" (3) Small abrasions about ten in number of the size of a small split pea on the upper part of the back.‡

" (4) A contusion about an inch in diameter on the upper part of the right shoulder joint.

" (5) A contusion about half an inch in diameter just over both wrist joints.

" (6) There was suppression of urine for nearly 18 hours and he could not sleep for two days."

## Attacks on Medical Relief.

Doctors, ambulance men and hospitals engaged in giving medical relief to the victims of police excesses were attacked by the police or the authorities in a number of places. The Congress hospital located in the late Pundit Motilal Nehru's house§ was closed down when the house, which was Congress property, was taken over by the Government. We were informed that the hospital was a people's hospital, and though run by Congressmen it was not for Congressmen only.

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\* The car is a great wooden platform on wheels in which Idols, etc., are taken in procession on festival occasions.

† The form of assault that results in this injury was a matter of common complaint in every part of India. We were told that the police adopted this form of violence to extract confessions in lock-ups and to "disperse" stubborn volunteers, and also is alleged to be a widely prevalent form of torture inside the prisons.

‡ Probably caused by the nails on the policeman's boots.

§ Pundit Motilal gave his palatial residence to Congress. It was re-named "Swaraj Bhuwan." It is now in police possession.

In Tinnevely a memorial submitted to the District Magistrate by twenty-five leading citizens, headed by Mr. A. S. Kuppuswamy, Advocate,\* said :

"We dissociate ourselves from the Congress and the Civil Disobedience movement, but we want to enter our emphatic protest against the inhuman and brutal treatment meted out by the police in Tinnevely Town and Kalladi-Kurchi to picketers, *ambulance men with Red Cross badges and to Congressmen.*" (Italics ours.)

In the memoranda substantiating the allegations it is stated that :

(1) A stretcher was seized from five men, who were wearing red cross badges, on the 9th January, 1932. It was returned on the 4th February, 1932. The five men wearing badges were ambulance men, not Congress volunteers.

(2) On 8/1/32 Subbiah Pillay Ayan was beaten till he became unconscious. Examined by S. K. Ganapathy, I.M.S.,† three hours after the beating, he was found slightly unconscious and sleepy. Four contusions and two abrasions were found on his body.

(3) On 8/1/32 Sankarlingam Chettar was beaten by the police. Dr. S. K. Ganapathy Iyer noted two contusions with tenderness around.

(3) On 8/1/32 Arunachalam Pillay, Krishnamurthi and Subramanya Mudaliar‡ were beaten by the police while carrying a stretcher. They were taken to the police station, their stretcher forcibly taken away, and they were beaten with *lathis* on the head, arms and shoulders. Dr. Chocklingam Pillay, B.A., M.B., B.S., examined the two last named of the victims at 3 p.m. on 8/1/32. Krishnamurthi had four bruises and contusions over the right arm, two on the shoulder blade, and one on the back. Subramanya Mudaliar had six bruises and linear contusions all over the back and two contusions on the right leg and the left thumb.

Reference has been made in these Tinnevely cases to "Red Cross badges." It is true that the men wore such badges and thus gave public indication of the functions they were

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\* Advocate corresponds to a barrister. He is a lawyer who is competent to plead before a High Court of Judicature and to hold judicial office, including that of a High Court Judge.

† I.M.S. The Indian Medical Service is an Imperial Service and members of it hold military rank.

‡ All the five men mentioned here were ambulance men and wore Red Cross badges.



performing. They were not, however, members of the International Red Cross organisation, which in India is officially patronised. Apart from being the badge of the International Red Cross organisation, the Red Cross has become associated in the mind of the English educated people as an ambulance badge. Technically the police are not guilty of an attack on members of the International Red Cross organisation, but they assaulted ambulance workers just the same.

### Doctors Beaten.

Dr. M. Varadaraja Aiyar,\* L.M.P., who was the head of the "People's Hospital" at Madura, was set upon by the police on the 12th May, 1932, at 8 p.m., when he was going to the temple for evening worship. His statement says that three reserve constables pounced upon him and beat him with canes. He received four cuts, one near the heart. A medical certificate given by two doctors, P. C. Sitaraman and L. Subbaraman, both registered medical practitioners, states that they found on the person of Dr. Varadaraja Aiyar:

(1) A linear horizontal contused wound about 2 inches long just below the rib margin on the abdomen just to the left of the middle line.

(2) An obliquely vertical linear contused wound about 2 inches long on the front of the left forearm just below the elbow joint.

Dr. Varadaraja Aiyar sent a statement and the medical certificate to the local member of the Madras Legislature and made a further statement before Mr. G. H. P. Bailey, the District Superintendent of Police, on the 23rd May.†

The doctor had no arguments with the police; he was engaged in no activity at the time and the assault was entirely unprovoked. He was, however, the medical officer at the "People's Hospital," and he wore *Khadhar* as he ordinarily does.

*In Bengal.*—We visited Tamluk (Midnapore District, Bengal), and learned from the people there that on the 3rd March there was a *lathi* charge on men and women concerned in Salt Civil Disobedience at Hanschara. It was

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\* Aiyar is sometimes written Iyer or Ayyar.

† We have copies of the medical certificate and a copy of the statements made by the assaulted doctor, before Mr. Bailey, which the latter sent to the doctor with a covering note, which is also in our possession.

also alleged that the police entered and looted the houses and assaulted the inmates.

Dr. Harishkish Das, L.M.S., and his ambulance men were severely beaten while they were engaged in rendering aid to the men and women who were the victims of the police.

### Hospitals Closed.

Mr. L. Krishnaswami Bharathi, M.A., B.L., Advocate, who was in charge of the "People's Hospital" at Madura, made the following statement to us :

"This is a hospital run by public funds. We take everyone. It was started to treat injured people, like an emergency hospital, on the 8th January, 1932. It used to fly a Red Cross flag. Four or five members wearing Red Cross badges used to go out to an area where picketing was going on and remove the wounded on stretchers in the presence of the police. On the 20th January (1932) the police entered the premises and removed the Red Cross flag in spite of protests. We wrote to the District Magistrate and the District Superintendent of Police that the office had nothing to do with the Congress and that it was a purely humanitarian undertaking. The District Magistrate replied that the Superintendent would write as it was a police matter. No further communication, not even an acknowledgment from the Superintendent, was received. This incident was reported in the *Hindu* of Madras. The local Government notified that the hospital was being used by the District Congress Committee and as this was an illegal body the police occupied the building and closed it. The police took one patient to the General Hospital. They turned the other patients out. The District authorities seized all hospital appliances, to the value of about two or three hundred rupees."

After six months the building was made over to its owner on application by him, and the hospital appliances to Mr. Bharathi, with a warning not to use it for Congress purposes. Mr. Bharathi denies that it was so used. The doctors in the hospital gave their services free. The building was used by the District Congress Committee till November, 1931. This, we were told, was a matter of common knowledge.

At *Bezwada*.—The Congress Hospital had been closed down by the police. We were informed that in January and March, 1932, Congressmen who had sought admission into the General Hospital (Government-aided) had been refused admission.

## (VII.) OTHER FORMS OF POLICE EXCESSES.\*

Forms of police excesses not discussed, nor instances given, in previous pages, include :

(1) Action taken against shopkeepers for exhibiting calendars, pictures, etc., bearing photographs of Mr. Gandhi or other Indian leaders.

(2) Compelling bus drivers to fly the Union Jack and prohibiting them from carrying *khaddar*-clad passengers.

(3) Gruesome cases of individual atrocities.

(4) Action against hotel keepers and others who give food or shelter to Congressmen.

(5) The harassing of women whose menfolk are away suffering imprisonment.†

(6) Blockading entrances of villages for a whole day to prevent villagers going out.†

(7) Threats or attempts at unnatural offences, or similar assaults.†

### Action Against Shopkeepers.

That photographs of Indian leaders, not only in shops but in private houses, were pulled down and taken away by the police and the parties concerned either assaulted or threatened, was frequently mentioned to us in India. In the earlier part of 1932 this form of police action was widely prevalent in Madras,‡ Gujerat and other areas.

### Investigated Cases.

We made inquiries of a number of shopkeepers, including the Shri Krishna Paper and Stationery Depot, Surat, and also at Rander, about this ban on photographs and souvenirs. We were informed that the police authorities had advised stationers that if they wished to show that they were not

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\* In view of the length which this chapter has already reached we are obliged to curtail the number of instances and details in this section. The categories that we have given are not exhaustive, but are covered by instances which came within our inquiry.

† See chapters on Villages.

‡ Our informants included non-Congressmen. Even if every allowance is made for exaggeration the widespread nature of this complaint from different kinds of people must serve to induce belief that the police adopted this practice.

For the sake of brevity we refer to a few cases within our own experience.

Congress and were loyal to the Government they would withdraw all calendars bearing Mr. Gandhi's picture or that of other leaders. Otherwise they would share the fate of the tobacconist Nagindas. This latter gentleman had refused to remove Mr. Gandhi's photograph from his shop, and had been sentenced under the Ordinances to two years' rigorous imprisonment and a fine. We were also informed that the police had in a number of cases taken away such calendars and pictures. We asked to be allowed to purchase some of these pictures in Surat\*; we were met either with refusal to sell for fear of consequences or with the reply that all such articles had been handed to the police under orders to do so.

On the day of our arrival at Sayan, the 31st October, 1932, three boys came to Sayan with framed portraits of Mr. Gandhi and a few Gandhi caps for sale. They were immediately arrested by the Head Constable, Jaisingh Shav-singh.† We went to the police station and asked for the Head Constable and saw the three boys. We asked the officer in charge for particulars and he told us that he had his orders to arrest anybody selling Gandhi pictures or *khaddar* or white caps. He could not say under what law this was ordered, but his orders were to prevent anyone selling *swadeshi*. He had to arrest them and send on to Mr. Solomon, at Olpad, everybody disobeying the order. He also said that the three arrested lads would be taken to Mr. Solomon at Olpad. The officer declined to tell us his name, but permitted us to ascertain the names of the boys.

One of the arrested boys was Kantilal Harilal Gandhi, the grandson of the Mahatma. We took a statement from him on the 2nd November. Kantilal Gandhi told us that he and his two companions had gone to the bazaar to sell

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\* In many towns in India such articles are still exhibited and may be bought. At *Swadeshi* exhibitions a roaring trade is done in such souvenirs. Indian mill-made *dothis*, etc., have coloured labels on them with the photographs of leaders. There is no legal ban on these articles or their exhibition. The raids and assaults by the police in this connection in some towns or districts are illustrative of the character of the Police *Raj*. It is haphazard; the decisions are in the hands of local men, and there appears to be little uniformity in the manner of their execution or their content. Also compare prohibitions and penalties imposed on the Press.

† We are doubtful of the exact spelling of this name.

the photographs and caps. People warned them when they offered them for sale that they would be beaten by the Head Constable, and that they would be taken to Sub-Inspector Solomon. No one would buy their goods, because people were afraid.\* They were returning to the station when the Head Constable arrested them. They were asked, "Do you know who is the Sub-Inspector of Police here?" They answered that they knew it was Solomon. The Head Constable said, "You don't know what he is. He will get you one year." The boys were taken to Olpad, and brought before Mr. Solomon, who was very angry. He said: "You have come here again. Your flesh has increased. I shall beat you till the skin is raw." The police clerks who were also present asked, "Why did you come here? Do you know what this Taluka is? Who sent you here? The man who sent you here has cheated you." Mr. Solomon then said, "You don't know who I am." At this stage the Head Constable who arrested the boys told Mr. Solomon that two Europeans had taken the names of the boys and also their photos. Mr. Solomon was surprised and became calmer. The Head Constable produced a piece of paper on which was written the name of the Delegation. Mr. Solomon now held a consultation with his clerks, and then turned round and asked the boys, "Have you any pamphlets or patrika†?" to which the boys said "No." Mr. Solomon then said, "If you have no national flags or things like that you can go." Kantilal Gandhi then showed the Sub-Inspector a postcard on which was the picture of the Congress flag. The Sub-Inspector said that it was not the national flag but only the colours, and that they could go.

Kantilal Gandhi then told the Sub-Inspector that the busmen would not carry them back as they had Gandhi caps and *khaddar* clothes, to which Mr. Solomon replied, "I do not arrest people for that, and they are not stopped from riding buses."

When the boys went to a bus a C.I.D. man came running up to the bus driver, who was not inclined to take them

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\* This kind of fear which repression has brought about certainly restrained Congress activity, and it was quoted officially as indicating the growing decline of Congress influence.

† Bulletins. May also mean newspapers or magazines.

as passengers, and told the driver that he could take the boys to Sayan and that the Sub-Inspector had said so.\*

### The Cases of the Buses.

We arrived at Navasari (Surat District) on the 31st October. On the Bombay side of the railway station stood a row of buses each flying a Union Jack.† The proprietors told us that under the orders of the Deputy Superintendent Mr. Antia they had been compelled to fly these flags.

We proceeded, as stated before, to Sayan.‡ On both the west and east sides of the Sayan railway station we interviewed busmen. We told them who we were and inquired whether they had orders not to carry people wearing white caps. All of them agreed that there were police orders against carrying passengers wearing Gandhi caps or *khaddar*. One of our party, a gentleman from Ahmedabad, who was wearing a Gandhi cap, asked if he could take a seat in the bus, and he was refused.

We inquired whether we could be carried if we wore Gandhi caps, and the answer was an emphatic "No." We asked the busmen what law prohibited the carrying of passengers wearing *khaddar* or Gandhi caps, and they answered that they did not know, but that they had "police orders."

They also told us that they had been ordered to give undertakings in writing. At first they were asked not to carry Congressmen. The busmen replied that they were "unable to tell who was a Congressman," and that "everybody wears *khaddar* and Gandhi caps outside this town." The police then told them that in that case no one in Gandhi caps or *khaddar* should be carried on a bus.

We also gathered that the order was enforced ruthlessly by Sub-Inspector Solomon, of Olpad, and that some twenty days before our visit that officer had slapped the face of a

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\* The above is a summary of a full statement made by Kantilal Gandhi when he came to see us after his release.

† No one will believe that in the India of to-day the enthusiasm about flying the Union Jack is spontaneous, and that the array of Union Jacks ostentatiously displayed on buses, whose proprietors spoke to us of their own feelings in the matter, leaves no doubt in our mind about police compulsion in the matter.

‡ This is where we shook off the C.I.D. by alighting after having booked for a further station, Kim.

villager wearing a Gandhi cap in the village of Karanj and abused his mother and sister. The Sub-Inspector added, "If you go on wearing a Gandhi cap I will send you to Olpad and have you sentenced."

In the same place, the Head Constable who had arrested the three boys who tried to sell pictures, told us, in answer to our questions, that his orders were that no Gandhi caps were allowed. If persons in these caps sat in buses he would arrest them. A member of the Delegation then asked him, "If I wear a white cap and sit in a bus will you arrest me?" He said "Yes" at once; after a while he said "No, I would arrest you only if you were selling *khaddar*."\*

The Head Constable stated that the busmen had been asked to give an undertaking not to carry men in white caps, who were selling *khaddar*, and not, as the busmen had said, to give an undertaking not to carry passengers who wore white caps and did nothing else.

There were at least fifty witnesses to the conversation between us and the Head Constable. Most of the busmen were present, and they murmured against the accuracy of the Head Constable's statement. They insisted in a body that the order was not to carry anyone at all wearing Gandhi caps.†

### Surat Officials.

We publish these incidents in Surat District as instances for several reasons. Police repression in Surat District, which incidentally has an Indian, Mr. Kothawalla, as District Magistrate, and another Indian, Mr. Antia, as Superintendent of Police, has, according to our information, been of excessive severity. Allegations are widespread and serious.

We met Mr. Kothawalla, the District Magistrate, who is a member of the Bombay Provincial Service,‡ at his bungalow.

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\* Even if police orders are as stated by the Head Constable, they are an instance of police acting in excess even of the Ordinance. There is no Ordinance or order under any Ordinance prohibiting the sale of *khaddar*.

† As pointed out before, the busmen had declined to allow our friend a place in the bus as he had a Gandhi cap, and had told us that we would be similarly refused if we wore Gandhi caps.

‡ Members of the Provincial Service do not usually hold this post. Mr. Kothawalla was "acting" as District Magistrate. Also see chapter on Officials on "acting" appointments.

He was very courteous and kind to us and talked with us at length. Practically every one of the cases that we mentioned to him, he either denied or explained away. Having ourselves returned that morning from Bardoli and other places, chased over half the District by two Sub-Inspectors of Police, and seen some of the toll of police work in the villages, Mr. Kothawalla's explanations were, we feel bound to say, very unconvincing. Like most Indian (and British) officials we met, he was all praise for Mr. Gandhi, who was "not responsible for his wild followers." Mr. Kothawalla further assured us of his own popularity in the District and showed us photographs of his reception in villages.

At last we thought we would put him a pointed question about the allegations of police orders and punitive action in regard to Union Jacks on buses, and wearing of *khaddar* and caps at Navasari. He denied the allegations in toto and told us that they were Congress concoctions. We said we would investigate.\* We found that the allegations made by people, some of whom we know and respect, were true. The conduct of the police in the district and the way they tried to prevent us reaching people, and *vice versa*, also helped us to understand the nature of police *Raj* in Surat District.

### Gruesome Cases.

We saw the results of *lathi* blows on children, and some quite savage beating. The statements that we received and took in different places contain quite a number of instances of loathsome horrors, some of them unprintable. We propose to quote here one or two cases in which we saw the victims ourselves. On our return from Sylhet to Chittagong, a party of people came to see us on the steam launch. Among them was a frail little girl aged about twelve. We saw on her head scars of wounds inflicted by the *lathi* and on her back some marks of savage beating. On a child of such tender years, whose crime appears to have been that she was distributing handbills, such cruelty may without any apology be classed as gruesome. We

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\*The interview was with two members of the Delegation. The inquiries were made by the other two members after the interview and with the knowledge of the official denial.



cross-examined the child and we are convinced in our minds that the child was savagely beaten.

### **Hair Set on Fire.**

At Madura we met a Dhoobie (washerman). He wore *khaddar* and picketed. He was beaten severely and then taken to the house of the Police Inspector, who was an Indian. He was again beaten, then kerosene oil was poured on his hair and set alight. The Inspector's wife was horrified and protested. The man was twenty-five days in hospital.

The particulars of this case, summarised from a statement made by Kupyandi, the washerman, are as follows :

He belongs to Kilanayakampatti, in Tirumangalam Taluk, and he picketed a liquor shop in Periyar on 11/3/32 at 9 a.m. The Head Constable of Kallupatti, with a constable, arrested him and took him to the police station at Kallupatti. The station Sub-Inspector then took him to the Circle Inspector at the latter's house at Tirumangalam (the headquarters of the Taluk). It was then past midday. The Circle Inspector asked him to promise not to picket again and offered him money for his expenses. He refused to promise. He was then told, "You want *Swaraj*. I shall give it to you now." The Circle Inspector ordered a constable to fetch a bottle of kerosene oil. "The Sub-Inspector of Sindhupatti, who was present, beat me with his hands in the meanwhile. The constable brought the oil, which the Circle Inspector poured over my head and set fire to my hair.\* The Circle Inspector's wife cried out in horrified protest. A constable put out the fire with his hands. There were burns all over my head. The Circle Inspector then beat me with a ruler with one hand and a *lathi* in the other, on the elbow, shoulder, wrist, knee cap and thigh, and on my back and fingers. My hands were bleeding. I had five wounds on the head, six or seven on my left arm, seventeen on my right arm, displacement of three finger nails of the left hand.

"My *khaddar* clothes were forcibly taken away from me and burnt in front of the house in the street by a policeman under orders from the Sub-Inspector. At the end the Circle Inspector asked me whether I had tasted *Swaraj* and asked me to apologise, and I was beaten again. The Circle Inspector's wife pleaded for mercy for me. The Circle

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\* The Tamils in South India wear their hair long, in a tuft. The front part of the head is shaved.

Inspector became more angry and flung the *lathi* and ruler at his wife. He then gave money to a constable, who removed me in a bus to Madura, where I was given a ticket to Usiliampatti. From there I was taken to Periyar by a sympathetic gentleman. I was bedridden for twenty-five days."\*

The victim swore to this statement before Mr. K. R. Venkatarama Iyer, M.L.C. (not a Congressman). A Madras paper printed the story, the Government threatened prosecution, which we understand was never launched.

### Hotel Keepers Warned.

The Congress adopted the plan of holding Conferences all over the country, in defiance of bans on them, as part of its Civil Disobedience programme. Delegates came to centres from the outlying area. The police measures, coupled with intimidation, against hotel and restaurant keepers were in the main intended to inconvenience these delegates, who found that they would not be served by restaurants.† At the prohibited session of the Congress in Delhi in 1932 this caused serious hardship to ordinary people who, because they wore *khaddar*, were regarded as Congressmen and hotel keepers were afraid to serve them. Even water was refused.‡

### (VIII.) POLICE AND THE PUBLIC.

We have so far dealt mainly with the beating and other severities inflicted on those participating in, or suspected of participating in, Congress activities. In our account, we have already briefly referred to the obviously wanton attack on members of the public, both in Bombay and in Calcutta. This form of police misbehaviour is, however, so widespread as to warrant our giving a few details of police

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\* We have given the statement in the first person and inverted commas, but, as printed here, it is condensed from the original, which is in our possession.

† The police can intimidate restaurant keepers in ways similar to those employed against taxi and bus drivers. Charges of infringement of some rule, of sanitation in towns, or of assisting an unlawful assembly, are easily trumped up.

‡ This form of police action was very prevalent in Madras City and the Tamil Districts, in the early part of 1932, according to the reports that we received from independent people in Madras.

conduct in relation to co-operators\* and neutrals. In our judgment, this aspect of police excesses is in an even greater degree in the nature of naked police terrorism than the most cruel instances of assault on Congressmen.

### Public Support.

Another aspect of the relations between police and the public that we should like to mention here is the refusal of any section of the people either to condone the police policy of the Government, or to respond to its appeal to "responsible people." Such appeals have constantly been made. Official propagandists have often organised meetings and the official press has argued the case for law and order. Speeches in the Legislature by Government spokesmen have often been in the nature of a homily or a direct invitation to members to become members of loyalist organisations.†

But in spite of all this, the only support for the Government's police policy is its own lathis and bayonets. The ex-Judge, Sir Harbilas Sarda's, statement that there is "nothing but the rule of *lathis* in the land," and the summary of the conditions under Ordinance rule made by the Chief Justice of Bombay, which we have quoted elsewhere,‡ truly reflect the nature of the power that is at the back of police measures in India. The Bengal Government, in its resolution§ on the Report of the Police Administration for the Province in 1931,|| states:

"It is disappointing to read that in spite of all efforts, little real improvement was achieved in the matter of securing the co-operation between the police and Union Boards in exercising control over known criminals and the patrolling of affected areas."

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\* We are not dealing here with police action against Congressmen, but those who are either of the section of the public who are opposed to non-co-operation or neutrals.

† Bombay Legislative Council Debates cited on page 476.

‡ See *Indian Daily Mail* case. Chapter: Press.

§ This is not a resolution of the Legislature, but of the Executive.

|| Union Boards are local self-government bodies. We collected information on this matter for the Dacca District. There are 300 Unions in that district, which has about 2,000 villages. Of these 600 villages withheld payment of dues to local bodies as part of Civil Disobedience programme. They allege that three-quarters of this tax is spent on the village police, which is a punitive and political force and not intended for security of villagers. One Union Board usually covers about 30 villages.

## Police Run Amok.

In every town and village in India innocent members of the public have suffered at the hands of the police. The suffering, as in every other instance, is greater in the villages. It is not only spectators of demonstrations that come in for police attention.

Dewan Bahadur Rangachariar, who in a later part of his speech\* accused Congress of tyrannical methods in some cases, gave an instance of his own personal experience. He said :

"Excesses, Sir, in the name of the law have been many indeed. Will you be surprised to hear, Sir, when I say that the first intimation that I had of having taken part in a meeting was by a notice served on me by the Commissioner of Police, Madras. Myself and Sir C. P. Ramaswami Aiyer, who had just then retired from the Home Membership of the Government of Madras, were in our chambers doing our work quietly, and we were told that we were going to take part in a meeting that evening, of which we had not the remotest intimation.

"Sir, that is the way the police work. There is no wonder if people distrust them."

## British Testimony.

The ill-treatment of members of the public by the police is indicated by the views which Dr. Hogg, the British missionary, who is the Principal of the Madras Christian College, communicated to us, and, we understand, to persons in authority.† He says :

"A very intimate and utterly honest young friend of mine has narrated to me to-day the following incident which he saw at close quarters with his own eyes. An educated Indian gentleman went into a newspaper booth at the Law College end of Broadway. A policeman, from his fair complexion probably an Anglo-Indian, was standing in the shop. He ordered the Indian gentleman out. The latter said, "I simply wish to buy a paper." The policeman then took him by the scruff of the neck and bundled him out."

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\* Assembly Debates, Vol. VI., No. 7, p. 2188.

† Dr. Hogg has allowed us to make public the views he has expressed, but we are not at liberty to disclose to whom he communicated them. Dr. Hogg has been engaged in educational work in India for nearly 30 years.

Another statement which Dr. Hogg himself made in a private document\* runs :

"Government desires, and with all my heart I desire, that Indian youth shall not be seduced into sympathy with revolutionary methods, and yet Government is taking the most direct route to this undesired result, by the spectacle which *lathi charges* and beatings daily provide.

"It is impossible to employ police in this kind of work without their frequently overstepping intended limits and committing unauthorised excesses. And the combined effect of the horror I know of people feeling at brutalities witnessed, of the indignation at the *lathi charges on inoffensive bystanders*, of the resentment at the indignity of the coloured water douche and at the inhumanity of prohibiting immediate succour to the injured, is rapidly alienating persons whose habitual disposition has been strongly loyal." (Italics ours.)

Dr. Hogg also gives an instance of what happens in Northern India, as told him by an Indian friend, a University lecturer, whom he describes as "a man well and widely read, prone to be an interested, critical spectator, rather than a participant, with the habit of conspicuous independence and caution in his judgments, more inclined to amused cynicisms than to enthusiasms." The Indian gentleman, in his letter to Dr. Hogg, says :

"As I write this six of our dear boys are lying in our hospital, wounded in to-day's firing. Their fault, if it was a fault, was that they went to witness, but not to partake in, a meeting which turned out to be another Black Hole and Slaughter of the Innocents. . . . Our doctor saw seven lying dead, one being a lady and another a child. . . . Organised terrorism like this may quell the present movement, but it will embitter and unite the nation. . . . The Civilians† must be mad if they fancy that we will be thankful for a reform which is to be granted only after our self-respect is broken in this brutal fashion."

### Other Independent Evidence.

We gathered from independent gentlemen in every Province of the brutalities of the police against crowds. Rarely was the fact of their occurrence denied in private conversation by officials.‡

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\* We are not at liberty to disclose to whom this document was addressed, but we have Dr. Hogg's permission to mention the facts.

† The members of the Indian Civil Service and the official ruling class generally in India are sometimes called "civilians."

‡ We do not say that officials expressly admitted that they took place. See also chapter on Officials.

In memorials submitted to the Government on behalf of the public specific cases have been given. We have with us copies of three such memorials, each signed by a number\* of leading lawyers and citizens.

The informants to whom we refer are opponents of Congress and in some cases friends of the Government and others who have held very high office in provincial governments. Many instances of such treatment of members of the public have also been referred to in the Legislatures.

### Specific Instances.

About the excesses committed by the police on the public, a number of signatories, including 24 lawyers, of Madura, one doctor, two first-class Hon. Magistrates, two merchants, and one member of the Madura District Board, in their memorandum, state :

" For the past five days Madura is passing through a reign of horror during nights. Parties of Reserve Policemen in their uniforms go about the streets at nights after 9 p.m. and molest all and sundry they can lay hands on.

" From the statements given by some of the victims, it appears :

" (a) That innocent pedestrians have been beaten and some of them robbed by the Reserve Police party.

" (b) That shopkeepers have been plundered and articles in the shops broken and otherwise damaged.

" (c) That during the assault on the victims, if these latter happen to wear *khaddar* clothes, such *khaddar* clothes have been slipped† from them and the victims have been left in the streets stark naked. Such *khaddar* clothes taken away from the victims have been burnt‡ by the police at the junction of streets and several other public places.

" (d) Instances have been reported of cases when people going in *jutkas* (horse carriages) have been plundered, beaten and robbed by the Reserve Police and afterwards let off.

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\* The Government issued replies to two and till the time of our leaving India had given no answer to the third.

† In South India, ordinary people do not wear tailored clothes. Their two garments, upper and lower, are sheets which are wound round the body, and they can easily be pulled off.

‡ This is another incident which shows the police engaged not in preventing disturbances but acting as executors of sentences and policy. The burning of *khaddar* is a symbolic act, the retaliation to boycott or pulling down the Union Jack.

" (e) On the night of 29/4/32 the son of Soyaj Aiyar, an Advocate, was severely beaten with *lathis*, by the Reserve Police, while he was standing innocently in front of a house.

" (f) There have been instances where very respectable people have been chased by the Reserve Police and escaped beating only by taking refuge in the nearest house.

" (g) People are afraid of sleeping on *pials*\* because of the incidents that are happening. Business is paralysed and shops are compelled to close much earlier than usual.

" Such acts of uncontrolled police licence are bound to react on the temper of the people and incidentally on the morale and discipline of the Reserve Police themselves.

" It is therefore prayed that an impartial inquiry be held into the conduct of the Reserve Police from 25/4/32."

The District Magistrate, Mr. Hall, sent for the signatory, first on the list, and asked him if he knew anything personally of these happenings. He said he had taken statements on oath and could produce them. Copies of the statements were sent to the District Magistrate along with the memorial.

It was reported in the press in May (1932) that an official inquiry would be held. We were in Madura in August, 1932.† Nothing further had happened till then.

We have in our possession copies of eight statements taken on oath relating to this memorial, and the victims include petty shopkeepers, watchmen, bank clerks, and merchants.

#### (IX.) OFFICIAL DENIALS.

The allegations of atrocities made by public men have often been denied or explained away by official departments or spokesmen in the Legislatures or in press communiques. In no case has a public inquiry‡ been instituted, and when, as in the case of the firing at Hijli Detenue Camp,

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\* *Pial* is an earthwork platform or a verandah where people sit or sleep at nights.

† We have already referred to an incident in Madura, when we were assured that there would be no police beating and actually such beating took place a few minutes after we left the spot. We saw for ourselves in the scores of villages that we visited the results of wholesale police terrorism in house after house. See chapters on Villages.

‡ The demand for a public inquiry into police conduct has always been resisted by the Government. In 1931 Mr. Gandhi waived this right to enable the truce conversations to proceed.

an official committee has found fault with the official side, no action has been taken.\*

### The Official Case.

We have copies of a number of official *communiques* and other Government statements with us, and the elements in Government denials or explanations might be classified as:

(1) Denials of some details, either made in memorials or allegations, or not contained in the document which is being rebutted, but appears in some press report or public comment. In such cases other parts of the allegation are left unanswered.

(2) The denial of cruelty or vindictiveness in incidents and the plea that only "minimum force" has been used.

(3) The assertion that the memorialists are not representative or responsible men, and that the memorial itself is part of propaganda.

(4) That medical certificates have not been issued by Government hospitals but by doctors who are private practitioners, and in some cases of known sympathies with Congress.

(5) That no complaint was made to the police or magistrates by the victims.

(6) That memorials were not sent or allegations made immediately after the alleged incidents.

(7) That the memorialists are not eye-witnesses of the incidents which are the subject of the allegations.

(8) That there is no independent evidence, the statement being that of the victim.†

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\* We should add here that the Report of the official inquirers into the alleged police outrages at Chittagong was never published, in spite of repeated requests and questions in the Legislatures and insistent public demand.

In one notable instance, namely, in the case of grave and repeated allegations against the jailors of Nasik, the Government ordered a prosecution and the men were convicted. The evidence in the case disclosed a very regrettable state of affairs regarding the cruelties to which political prisoners were subjected. The trial took place after we left India.

† This argument was brought forward to us by a District Official in connection with beating in lock-ups, where the only persons present would be the police and the victims.



## A Bezwada Memorial.

Twenty lawyers of the Bezwada Bar sent a memorial to the Madras Government and members of the Legislative Council concerning "police excesses in Bezwada,"\* and other villages in the District. They state that their memorial deals not with "vague allegations, but particulars with dates and names whose authenticity can easily be verified." They also state that the "cases are only illustrative, not exhaustive," and appeal for an "open and public inquiry."

The allegations include :

- (1) Ill-treatment of women.
  - (a) Spraying of tar and other irritants on women pickets of liquor shops.
  - (b) Foul water mixed with pig refuse or lime and chillies splashed.
  - (c) Abuses and foul language and indecent jokes.
  - (d) Starvation.
  - (e) Clothes taken away from women who were bathing.
  - (f) Taken miles away from their homes and left stranded.
- (2) Beating and cruelties to volunteers in lock-ups.
  - (a) Beating, in one case till the victim vomited blood.
  - (b) Money of victim taken away and a postcard planted on him.
  - (c) Compulsion to sign documents.
- (3) Illegal actions.
  - (a) Surrounding of houses and taking away of property of under-trials or joint family.
  - (b) Locking up or taking possession of house without even Government orders or notifications.
- (4) *Lathi* beatings.
  - (a) Injuries of a serious nature.
  - (b) Beating until and when unconscious.
  - (c) Beating of a blind Congressman.
  - (d) Refusal to allow removal of victims to administer first-aid after severe beating, *lathi* charges and hammering of bones and joints.
  - (e) Beating of old men.
  - (f) Hurling people down slopes and throwing them into the canal or into bushes of prickly pear.

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\* Bezwada is a district in the Telugu area of the Madras Presidency. Bezwada town is the headquarters and principal town of the district. The lawyers are practitioners in the District and Sessions Court. They are entitled to practise in the High Courts in India.

- (g) Beating of non-Congressmen or those who pointed out that excesses were being committed, or those who wore Gandhi caps.
- (h) Beating on testicles.

These actions were alleged to be done by constables or European sergeants\* and police officers.

The incidents alleged cover a period from the 6th January to the 4th July, the larger number of them being in May and June.

The schedule below gives the list of *lathi* charges to which reference has been made:

Date of <i>lathi</i> charges.	No. injured.	Remarks.
6/1/32	2	
10/1/32	3	
26/1/32	10	Three <i>lathi</i> charges in three different localities.
14/2/32	2	
26/2/32	3	"Go back Lothian" demonstration.
6/3/32	4	
7/3/32	10	
8/3/32	2	
9/3/32	7	
12/3/32	2	
13/3/32	1	The blind man.†
15/3/32	2	
16/3/32	4	Subjected to three <i>lathi</i> charges.
25/3/32	2	
30/3/32	2	
1/4/32	3	
2/4/32	6	
5/4/32	3	Including blind man.
7/4/32	2	
13/4/32	23	Three <i>lathi</i> charges.
28/4/32	9	
3/5/32	5	
4/5/32	6	
8/5/32	7	

\* This category includes Anglo-Indians, who are also appointed as sergeants.

† See previous page.

Date of lathi charges.	No. Injured.	Remarks.
10/5/32	7	
15/5/32	3	
20/5/32	2	
21/5/32	4	
22/5/32	2	
30/5/32	1	
4/6/32	2	
5/6/32	2	
9/6/32	2	
10/6/32	2	
4/7/32	10	

The memorial also contained a schedule abstract taken from the Register of "The People's Hospital," Bezwada (established 1/4/32), giving details of injuries to seventy-seven in-patients and eight out-patients.

### **The Official Denial.**

Questions were asked about some of these cases, in the Madras Legislative Council in July. The Government at first denied knowledge, the usual answer, "No information," being returned. Questions were repeated and particulars of beatings, injuries and excesses mentioned, on succeeding days, and in each case the Government denied knowledge. The Home Member added that the "Government have no reason to suppose that the volunteers were beaten in the manner indicated," the reason for the supposition being that "It has not been brought to our notice."

The demand for the public inquiry was now supported in a public statement issued by three members of the Legislature from the Telugu area, who stated that there was strong public feeling about these incidents and urged the Government to act.

The memorial was submitted on the 14th July, 1932, the questions to which we have referred were asked on the 4th August and subsequent days. On the 17th August the Government issued a press *communiqué* in which the allegations were dismissed as untrustworthy, and it was announced that the Government "do not propose to order any general inquiry into the allegations contained in the memorial."

The reasons given by the Government are :

- (1) That the memorial was belated.

[The date of the last incident in the memorial is 4/7/32 and the memorial is dated 14/7/32. The Government took over a month to issue a *communiqué* which is not based on inquiry, and yet it considers the time taken by the memorialists too long and the complaints belated.]

- (2) The Government can attach no importance to certificates issued by an unauthorised institution managed by sympathisers of the cause of Civil Disobedience.

[The medical certificates and the hospital records are those of registered medical practitioners, whose evidence would be admissible in a court of law. If the Government argue that the People's Hospital is managed by sympathisers of Congress and the doctors' evidence is therefore unreliable, it may equally be argued that Government hospitals are managed by those who desire to crush Civil Disobedience and are thus responsible for the repression, and that Government doctors' evidence is equally vitiated. As a matter of fact the Government hospitals, in many cases, refuse to take victims of police beating. In some cases certificates have been issued by Government doctors,\* and even then no action has been taken. The implication in the Government statement about the doctors is a serious one, and if it is warranted by facts, the Government ought to have taken action to disqualify doctors who have acted unprofessionally.]

- (3) No complaints were made by victims to District Magistrates or officials.

[Congressmen do not, as a rule, complain to British Courts or officials. In cases where such complaints have been made, either no action has been taken or even, as in the case of Mr. O. P. Ramaswami, referred to before,† there has been no punishment of officials.]

- (4) The memorial is based on press cuttings.

[This is inaccurate. There are the statements of victims. Also the memorialists who are responsible citizens were willing to substantiate the allegations. In any case public inquiry would have exposed the nature of the allegations, if untrue.]

- (5) The memorialists have not condemned Civil Disobedience or defiance of law.

[The memorial deals with excesses, and how the declaration of a political faith alters the case is hard to see. In any case there have been other memorials when such condemnation and disapproval of Congress has been made without any different results.]

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\* Cf. certificate issued by Mr. Gopala Menon in a case of beating to death on p. 211.

† The case of two journalists who were severely beaten. See p. 184.

(6) In the last instance alleged, Government admits that force was used in "dispersing volunteers," but argues that the injuries are not "serious." Some of the allegations in connection with the incident are also denied.

The representative character of the signatories was questioned in the case of a memorial signed by 28 lawyers of the Tinnevely Bar. The Government case, however, was based on the report of the District Magistrate, the official responsible for official conduct in the area, and no public inquiry was made. We have copies of the whole correspondence.

From a perusal of the papers relating to these requests for inquiry, the procedure adopted by the Government appears to be to plead "no information" when questions are asked in the Legislature soon after the incident and suggest that there has been no time to inquire, and when a memorial with particulars is submitted at a later date to dismiss the whole affair as being a "belated" complaint.

### **Another Government Denial.**

In a *communique* released for publication by the Madras Government it is asserted that it caused investigations to be made into nearly a hundred cases of allegations against police misconduct. "Some of the alleged incidents," it says, "are pure inventions without any foundation in fact; others are gross exaggerations and in almost all the remaining cases the truth has been distorted."

Not even in one of these cases, however, has the "inquiry" been public or judicial, and there is no evidence to show that the "inquiry" is anything more than the investigations made by the very people who are responsible for the excesses. The *communique*,\* however, goes on to say that "*the Government do not deny that there are instances in which individual officers have gone beyond their instructions and committed errors of judgment.*"† The responsibility for the use of force in the dispersal of unlawful assemblies must rest on the officer on the spot, and in combating so widespread a conspiracy of lawlessness it is not surprising that a few officers have made mistakes." (Italics ours.)

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\* Press report, *Bombay Chronicle*, 22/3/32.

† We have already referred elsewhere to the argument of "error of judgment" and its use in India.

This is the typical Government case. A study of the questions and answers in the Legislative Assembly and the debates over special cases raised in Legislatures\* will show that when an incident has been pressed and discussed threadbare, the Government denial reduces itself to a defence of the official on the ground of "minimum force" alone being used.

Even where, as in the Paton case, police terrorism was proved, the official explanation does not disapprove of police conduct. In the House of Commons Sir Samuel Hoare said† "I admit that a mistake was made and express sincere regret for it and for the subsequent treatment of Dr. Paton." He however took care to add "It should be stated in fairness to the police that suspicion about Dr. Paton arose from a genuine misunderstanding, and Dr. Paton's actions, though innocent, contributed to it."

In the admission of Sir Samuel Hoare there is no expression of regret or censure on the police for the beating, the douching with coloured water and the pursuit of a man who was going away. The beating resulted in wounds and, but for Dr. Paton's sun topee, would have caused injuries to his head. Sir Samuel Hoare's "apology" covers only the mistake of taking Dr. Paton for a supporter of Civil Disobedience and not the behaviour of the police.‡

It may also be remarked that on this very incident Sir Mahommed Usman, the Home Member to the Madras Government, said in the Madras Legislature during the same week that Sir Samuel Hoare expressed his regret. In the House of Commons, that the Government regretted nothing and that the case against Dr. Paton was withdrawn because he had left Madras for Tirippur.

### British Opinion in India.

The comment of an Anglo-Indian newspaper, the *Times of India*,§ about these official "denials" may be quoted as

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\* Cf. Debate in the Central Provinces Legislature on p. 178.

† Hansard, 14th March, 1932.

‡ The explanation of the Secretary of State leads one to conclude that all that was wrong was that the victim was Dr. Paton. The same treatment meted out by the police to a civil resister would not be a case for an expression of regret.

§ *Times of India*, Bombay, 1st March, 1932.

relevant and significant. After referring to the necessity of maintaining law and order and condemning the methods of Congressmen, which, it asserts, are, in reality, violent, it says :

"It is at the same time incumbent on the authorities to confine their activities within the four corners of the measures deemed essential, and recent police action in Madras raises some doubts on this point. The other day a question was asked in the Madras Legislative Council about the alleged beating by the police of two journalists\* who picketed a shop in the city. In reply the Home Member quoted the opinion of the Commissioner of Police that the beating was 'rather severe,' and promised that if the Commissioner found on investigation that excessive force was used disciplinary action would be taken.

"This is not the first time that complaints of this kind have been made against the Madras police. The case of Dr. Paton,† which was debated in the Legislative Council a short while ago, gave rise to disquieting thoughts; the latest allegations, coming as they do on the top of several others, are not calculated to reassure public opinion. Picketing is a public nuisance, but it is not a crime‡ for which offenders may be beaten on sight."

### Still Another Denial.

In a *communiqué* issued by the Madras Government on the 19th February, the allegations made in an article entitled "Congressmen Beaten," appearing in the *Hindu*§ of the 28th January, are "denied." The Government denial admits that the men "were dispersed by force." The Government's contradiction relates mainly to the cause of the beating, which according to the newspaper was because the victim asked the police to show a warrant for his arrest. The Government also deny that one of the victims had his shoulder joint dislocated "because he was seen walking not long afterwards."|| For the same reason it is denied that the victims were beaten to unconsciousness. The

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\* The case is that of Messrs. O. P. Ramaswami and K. Subha Rao, to which we have referred on p. 184.

† Dr. Paton himself stated at the time that much worse treatment than that experienced by him occurred frequently.

‡ The Ordinances have made it not different from a crime.

§ The account given in another paper, the *Swarajya*, in an article entitled "Police Raj in Kistna," is also mentioned in the *communiqué*.

|| Even if it were true that the victim was walking "not long afterwards," does it prove that there was no injury to his shoulder or that he was not knocked down by blows and beaten to unconsciousness?

denial is, as usual, based on inquiry through the police and district officials.

These instances throw some light on the character of Government "investigations" and "denials."

### (X.) POLICE AND OURSELVES.

Most of the police officials on whom we called or met in the places we visited, were friendly to us. We were, however, closely watched, and the inquiries that we were making were hampered in many ways. Our programme in India excluded propaganda or participation in Indian national activities and the police had in reality not even a far-fetched cause for obstructing us. The drag-net of the Ordinances, however, could enmesh us for "giving reasonable cause to suspect that we were likely to act," or some similar offence. The instances, however, in which the police threatened us personally were few, though the surveillance and obstruction lasted the whole time that we were in India. Police activity in relation to our inquiry may be summarised as :

(1) Penalising those who helped or attempted to help us. This included arrests, intimidation and bombardment of villages.

(2) Surveillance, including posting plain clothes men where we stayed, following us about in trains and on motor journeys, and into villages and even houses and private meetings and parties.

(3) Threats and threatening behaviour and refusal to give assistance. These instances were few.

(4) Sending police agents to us as "representatives" of groups of opinion.\*

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\* The practice of sending to us as deputationists or confronting us with such men was frequent. At Agra, Lahore, in some villages of Madras, and the United Provinces, to mention a few places, this happened. It was obvious from the statements made to us that we were being told a tale which had been rehearsed, though in most cases badly, as the men broke down in cross-examination. We have not dealt at length with this aspect of police activity in this chapter for want of space, and also because it was often prompted by other parties and departments as well.



### **Arrest of our Friends.\***

Two typical instances of arrests of men who were assisting us are those of Mr. Jaya Prakash and Mr. Chaganlal Joshi. Mr. Prakash is a young Congress worker educated in America, with a good academic record, who, like many others of his generation, have sacrificed a career for what they believe to be the interests of their country. Mr. Prakash's wife was already in jail. The fact that he was a Congress worker was no secret, and if that was his only offence he could have been arrested several months before our arrival in India. As it was, Mr. Prakash, who had kindly agreed to accompany us to a few places, was arrested on the platform of Madras Central Station when he was seeing off one of the members of our party to Bangalore. Mr. Prakash was at this period engaged in no propaganda, was doing no overt act that offended even the provisions of the Ordinances, such as being a member of an unlawful assembly, or picketing, making speeches or directing propaganda. He would no doubt have assisted us to see Congress activities and the results of repression, but from the programme that we had already followed in India,† and the people we had seen, it must have been clear to the Government that we were not by any means seeing the Congress side alone. He was a Congress worker, which, in itself, is an offence, and his arrest was quite "legal" under the Ordinances, but he was taken away at that moment and sentenced to eighteen months' rigorous imprisonment, because he was helping us to see India under repression.‡

Mr. Chaganlal Joshi is a worker at the principal Gandhi Ashram at Sabarmathi. He is a hundred-per-cent. Gandhi-ite, and his interests are not mainly political, though as a Gandhi-ite he looks on every activity with which his chief is connected as part of his work. Mr. Joshi's particular allotted task was the Ashram, which had been depleted of workers by the Ordinance arrests, and he was not engaged in directing Congress activities. Mr. Joshi had agreed

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\* Also see Appendix V.

† Under the surveillance to which we and our visitors were subjected the Government knew what we were doing or proposed to do.

‡ The arrest of Mr. Prakash may be surmised to be part of an all-India policy directed from high quarters. He was arrested in Madras under a Bombay warrant. We were actually told that the Madras administration did not want any arrests in connection with our visit.

to accompany us to the villages of Gujerat. There was no secrecy about this arrangement and the authorities were aware of it. Mr. Joshi was arrested when on his way to the railway station at Ahmedabad to meet us.\* We had to make other arrangements to see the Gujerat District afterwards.

### Threats to Village People.

Arrests of another character are those of village folk who were coming to see us. At Nadiad, in Gujerat, we were informed that three persons† who were on their way to see us had been so arrested. We came across an incident earlier that day where three young men, who were sitting on a verandah, having heard that we should pass that way, had been arrested. We saw the constable who had arrested them and we questioned him about the matter. His version was that these men had blown a bugle. We also discovered that the constable did not know the name of the men arrested, had made no entries in his records, made no charges, and also had no idea of what he was going to do with them. We gathered all this in answer to our questions to the Head Constable, and also that his own view of his authority was that he could arrest whom he liked and keep them till he sent them to headquarters. He was the highest police authority in the village. He was a Moslem and had an assistant who was a Hindu. The assistant appeared to be the more assertive of the two, and stepping in front of his senior, between us and him, said that they did not see why they should not arrest and why we should ask any questions, and also that they would arrest whom they pleased.‡

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\* We took the matter up with Mr. Irwin, the District Magistrate, whom we saw in Ahmedabad. Mr. Joshi was released, and served with an order to leave Ahmedabad, which he disobeyed.

† The three gentlemen of Nadiad who had come in a car to Anand to receive us on behalf of our Nadiad host, a former M.L.C., were arrested. Of these Maganbhai Patel and another were taken to the Sub-Inspector of Police, who released them with an order to report next morning, while Bhailal Bhikhubhai Patel, till recently a Government title holder, was detained in police custody.

‡ The statements of the policemen were made to us and there is no question of hearsay evidence. The name of the village is Sandesar (between Pimplav and Gana, Gujerat), and the names of three arrested men, Dahyabhai Umedbhai Patel, Kalidas Methurbhai Patel, and Ramanlal Shah.

In the Frontier Province whole villages were blockaded for several days to prevent people leaving the villages to come and see us, and we were informed by those who evaded the police and escaped that many people were beaten. The blockading story was not officially denied when we put it to an official, nor confirmed. Independent testimony from several witnesses, which we obtained, all confirmed the incident.

In villages policemen went to people and threatened them with dire penalties if we were assisted in obtaining information.\*

At Ramasera village (Panch Mahals,† Gujerat) we went to the village *Dharmasala* (rest house)‡ and sat on a *charpoy*§ to take down the statements of those who wished to make any. The police stood behind us and the villagers told us that it was better to record statements in another village. We left for the village of Waghodia. Two hours later we were informed that several persons who were coming to Ramasera to give their statements had been detained at the Ramasera police station and detained there long enough to miss us at Waghodia. When these people finally came to Waghodia we had left for Baroda. It is obvious that the purpose of these arrests was merely to prevent people telling us about the state of affairs in these places. We also learned that a Sub-Inspector|| had, with the assistance of the Baroda State Police, questioned all taxi drivers about the people whom they had taken to Ramasera. The drivers were also threatened with the cancellation of their licences if they carried people to meet the Delegation.

We arrived at Pimplav, a village in Borsad Taluka, Gujerat, on the 21st October, 1932. Finding that we had run out of films for our cinematograph camera, we sent Chimanlal Purshottam, a taxi driver, with his car to Borsad to fetch some films. While on his way back from Borsad to Pimplav, the taxi was stopped by five armed policemen, who pointed

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\* We have already referred to some of these instances, e.g., the Sub-Inspector's threat to women prisoners at Ankola. Also see Appendix.

† There were no orders in force in Panch Mahals at the time, prohibiting the assembly of five or more persons.

‡ These institutions are not Government premises. They are maintained as charitable rest houses.

§ A cot.

|| The Sub-Inspector gate-crashed into a private party, pretending to be a guest under an assumed name.

their rifles with fixed bayonets against the driver and threatened to shoot him. The men said they had orders to shoot if the car was not stopped. The driver was terrified. The police then entered the car and asked the man to drive to Sub-Inspector Goolmohamed, of Borsad, who took away the spools. The driver himself was in such a state of fright that he was not able to give our names as owners of the films.

Mr. Pandya, of Ahmedabad, an Advocate, who was with us, kindly agreed to return to Borsad and see the police. The films were returned after Mr. Pandya had been to the higher police and magisterial officials. The first suggestion of the Sub-Inspector when he saw the taxi man again with Mr. Pandya was that he and his car should be taken into custody. As for the films, the police suggested that they would keep them if we made any trouble.

At Dohad (Panch Mahals District) a plain clothes man boarded our car and sat beside the driver. He had to be persuaded by the Secretary of the *Bhil Seva Mandal*\* to leave the car.

When we were in Contai (Bengal) on the 15th September, 1932, the police commandeered the car in which we had gone to the village, about 36 miles from Contai Road station. We left in the evening at 6.15 for Midnapore, another 60 miles in another car which was originally commissioned for us the day before our arrival for the whole trip, from Contai Road station to Midnapore, through Contai. The police had taken away the man's driving licence the day before we arrived and told him that he had to be available during the next day. He explained that his car had been hired and that he had taken part of the money. That taxi could not, in consequence, meet us at Contai Road. The police used the car during the day, to follow us, without any payment. They did not release the car which we had obtained at Contai Road and travelled to Contai, but allowed the man originally commissioned, but detained by them during the day, to take us to Midnapore.

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\* *Bhil Seva Mandal* is a society for the uplift of the hill tribe known as the Bhils, whom we saw in the villages at Mirakbedi. Some of them have suffered imprisonment for being civil resisters, and Mr. Gandhi's influence has stopped drinking amongst them to some extent and also brought them into agricultural pursuits. We met some of their leaders who had been man-handled by the police.

## Surveillance.

During the whole time we were in India we were followed about\* ; the houses we stayed in were watched, inquiries made about our visitors, taxi drivers and others questioned, and meetings, even of a private character, reported.

The day we arrived in Bombay we had the police following us in a taxi to our hotel and four men at the gates of the hotel itself, noting everyone who came in and questioning every car driver who took us out or brought others in. This practice obtained everywhere, and though we spoke about it to high officials, including heads of provinces, it did not stop.

The police also appeared to be on the track of anyone who was giving us any assistance. The numbers of motor-cars lent to us for use in different places were noted; the drivers and taxi men were questioned about the people who called on us or those whom we visited.

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\* It was once or twice gently suggested to us that the police surveillance was for our protection !

## CHAPTER XIV.

### POLITICAL PRISONERS AND JAILS.\*

"... I would deny altogether the charge that because there are 26,000 men and women imprisoned in India, that means that India is suffering under the iron heel of a Russian tyranny."

(Sir Samuel Hoare, 29th April, 1932.)

Mohan Kaul is a young fellow of 19 years of age, son of an ex-Government official. He refused to salaam† at the call of Sarkar Salaam in Rajashai jail. He was put in standing handcuffs and given other punishments. Each time he was brought before the Superintendent he declined to make the required obeisance. Altogether, he suffered five and a half months of solitary confinement. After the first three months, when he was still adamant about his refusal to salaam, he was put into a cage with his hands fettered behind his back. The cage was seven by five feet. In this cage Mohan Kaul spent all hours of the day and night; he was obliged to take his food and answer the calls of nature in it.

(An extract from our notes.)

#### (I.) WHAT JAIL RULES PROVIDE.

THE term "political prisoner" is used by the people and the Press in India to apply to those who have been imprisoned under the various Ordinances, under sections of the ordinary law dealing with sedition and allied offences, or for offences committed in the pursuit of civil disobedience. (Thus a number of prisoners would be those convicted under the forest laws, the Indian penal code or other laws.)

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\* The prisons in India are governed by the provisions of the Indian Prisons Act of 1894 and the rules and regulations in the various Jail Manuals. Each Province has its own Jail Manual dealing with details, but the general principles are laid down in the Prisons Act. There are also special regulations about detenues. In this report we have used the Jail Manuals of Bombay, U.P. and Madras and wherever possible indicated the one used in the appropriate footnotes.

† "Sarkar Salaam," or "Saluting the Government," is enforced on all prisoners. It is alleged that prisoners are made to do this when visitors go to see the jail, and also that the performance of the Salute involves humiliating postures. Mr. Gandhi himself has referred to this. The "Sarkar Salaam" is resented by political prisoners and is the cause of much friction and punishment. It is difficult to see how it helps to keep discipline in jail. (Also see page 85 for Mr. Gandhi's view).

"The Government does not recognise a category of "political prisoners."\*

In addition to "prisoners" there are "detenues"† interned in Detenue Camps, often under armed guard, for indefinite periods and without trial.‡

Accurate figures about the number in the prisons were not obtainable. The official estimate was 20,000, but the Indian people, to whom we talked, all seemed to think it was considerably more.§ The number of imprisonments during the year, we were informed, had well exceeded 80,000. The spokesman of the Government referred to the difficulties of feeding and housing a jail population that suddenly swelled by 40,000.||

Those convicted of offences relating to the Civil Disobedience movement, under the Ordinances, were sentenced to varying periods, from six months to two years. The prisoners include men, women and children.

### **Jail Conditions.**

The conditions of the jails varied from province to province, and sometimes even from district to district. Some of the jails that were regarded by the Indian people

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\* Mr. Haig, the Home Member of the Government of India declined to accept the suggestions made by Mr. Ranga Aiyar, M.L.A., in the Legislative Assembly on the 1st April, 1932, to order a separate classification for political prisoners. Another suggestion by Mr. Aiyar to appoint a committee to inquire into the disadvantages of mixing up "all prisoners together" (politicals with criminals) was also rejected by Mr. Haig.

† Mr. Gandhi and Abdul Gaffar Khan do not come under any of these categories. They are state prisoners, detained under century-old regulations (of the East India Co.) without specific charges, without trial and for indefinite periods.

‡ Officers of the prison are allowed to use a "sword bayonet, firearm or any other weapon" against prisoners using violence, attempting to escape, or damaging walls, etc., or when officers are attacked, if there are grounds for believing that there is danger to life or limb or causing grievous hurt to the officer. Firearms may be used by guards only after warning and under orders of a superior officer. At Hijili Detenue Jail the prisoners were shot and shot at without warning by guards, and without justification. (See *The Official Report of the Hijili Shooting*, obtainable from the India League.)

§ The figures given by the Secretary of State for India, the Government of India and the local Governments have in the past shown much disparity.

|| See *Indian Recorder*, page 101 (April to June).

as "good jails" in the last Civil Disobedience movement were reported to us to be amongst the worst this time. The jail at Nasik, where some of the officials were recently charged with and convicted of assaulting prisoners, is one of the instances in point. The harshness and cruelty of treatment appeared to depend on the individual official. They told us that at Nasik the old Superintendent had been changed.

### **Temporary Jails.**

Owing to the large number of convictions under the Ordinances the ordinary jails of India became overcrowded. The Government pressed into service old and disused prisons, as at Visapur, where the prison had been condemned by the authorities as unfit for use. Under its corrugated iron roofs the prisoners spend over twelve hours of each day suffering great hardship.\* In addition to these there are camp jails which are temporary. They are barbed wire encampments, on unprepared ground. We saw the site of one at Delhi but were not able to examine the place. These camp jails are described by sufferers and visitors as being infested with scorpions, worms, and other insects and vermin. A description of the Delhi Camp Jail along with a few photographs was published in one of the newspapers, which are under the watchful eye of the Government. The report said :—

"The thatched shade affords no protection against sandstorms, rain or the burning rays of the sun. The prisoners are afforded no protection against scorpions or snakes."†

### **Classification of Prisoners.**

According to a Government Order of the 28th May, 1930, prisoners are classified as A., B. and C. The Jail Manual lays down the regulations about the treatment of the prisoners of the various classes. Class A. prisoners are usually accommodated separately from the others and they have the option of buying food or otherwise obtaining it from outside. Class B. prisoners may supplement some of their diet but must wear prison clothes. The tasks

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\*The accommodation inside this jail is such that the feet of the prisoners in the two rows almost touch, and between men in the same row there is little space.

† Mr. C. F. Andrews, speaking in London in the middle of 1932, corroborated this statement about the Delhi Camp Jail.



allotted to these higher classes must conform to the previous mode of life and to the social antecedents of the prisoner.

In fact, however, the classification is very arbitrary. Many of those who were sent to Class A. in 1930\* are in Class C. this time, while it is not at all unusual to send a man to a higher class and his wife, sister or brother to a lower one. The bulk of the Civil Disobedience prisoners are in Class C. and are treated as common criminals.

In the first three months of the Ordinances ending March, 1932, out of over 2,000 persons convicted in Bombay City no one was placed in Class A. and only 9 in Class B. All the rest were given Class C. In Bengal at the end of July 24 men and one woman were in Class A., 561 men and 65 women in Class B., and about 1,700 men and 329 women were in Class C.

The Home Member of the Government of India stated on the 30th April that out of 32,516 convicted 196 were in Class A., 1,586 in Class B., and the remainder in Class C.

The classification of prisoners is generally the function of the courts, subject to confirmation and review by the local government concerned. "The court" in this case is more often than not a part of the executive and not the judiciary. The magistrates are executive officers and the proximity of the relationship† of these magistrates' courts to the police department and its officials is a notorious feature of the system in India.‡

### **Food in the Jails.**

Class A. prisoners are allowed to obtain food from outside, while those in Class B. are allowed to supplement their food within rigid limits. The food given to Class

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\* The Council of the Western India Liberal Association (Moderate Co-operators) drew the attention of the Government of India to this fact in a memorandum submitted by it.

† It is freely stated in India that in Civil Disobedience trials, often of men and women arrested in the mass, the sentences given by magistrates and classes prescribed are, in fact, police decisions. Such an assertion, it is impossible for us to affirm or deny; but it is necessary to state that everywhere in India this is openly said. Questions have been asked in legislatures about Government instructions to magistrates, but in no case has a satisfactory answer been returned.

‡ The Lahore High Court Bar Association drew the attention of the Punjab Government to the action of the Government in overriding the recommendation of the judiciary in respect of class A and B prisoners.

C. is bad, dirty, half-cooked and often insufficient.\* Hunger strikes have been reported from many jails† as protests against bad food conditions. The food that we saw in the jails smelt horribly and the "bread" appeared unfit for human consumption. Dirt, grease and grit formed part of the cooked food we saw, for instance, in Peshawar Jail.

It may be stated as a general truth about conditions in Indian jails that what the regulations provide are in themselves medieval; what obtains in actual fact is far worse.

### Dietary Regulations.

To take one instance we propose to give here the details about food and the conditions of its supply as laid down in the Jail Manual.‡

Rule 425 (ch. 18, p. 95) of the Jail Manual gives the dietary scale thus:

Scale No. 1.	14 chs.	§ grain ration	
" " 2.	12 chs.	" "	} per prisoner.
" " 3.	10 chs.	" "	

All scales.—In addition to the grain ration, the prisoner is allowed:—

- 1 ch. of dal.
- 4 chs. of vegetables.
- 4/25 ch. of oil.
- 1/50 ch. turmeric.
- 1/6 ch. salt.
- One chilly.

Rule 426 provides that:—

Scale 1	is to be applied to all adult male labouring convicts.
" 2	" " female convicts and juvenile labour convicts.
" 3	" " prisoners under trial and non-labouring convicts.

\* Mr. Chaudhri Parma, M.L.C., sweeper by caste, told us he exercised his right as member of the U.P. Legislative Council to visit the Agra Jail. He wrote a letter to the authorities about conditions. He said the vegetables were unfit for food and he raised the question in the Council.

† There were many reports of hunger strikes in jails during the time we were in India and after.

‡ As according to the United Provinces Jail Manual.

§ A chatak is about one-eighth of a pound. Sixteen chataks make a seer, which is about 2 lbs.

Nursing mothers are to be allowed 2 chs. of wheat and 1/2 ch. ghee in addition.

Men, women and children sentenced to simple imprisonment can become eligible for Scale I diet by taking to labour as under Rigorous Imprisonment.\*

*Infants and Children.*—Children over three years are given the same kind of food as above (half the quantity of Scale No. 1), the same coarse, half-cooked, gritty meal. Infants are allowed milk, sugar and rice, 6 chs. of milk to a baby up to 12 months and 8 chs. to those between 18 months and 2 years.

Prisoners are also prescribed the luxury of a rice meal, consisting of 8 chs. of rice and 2 chs. of dahl, once a week. (Rule 432.)

#### *Cleanliness.*

The Manual provides that vegetables shall be free from stock and woody portions, that flour shall be clean and free from adulteration. Grain troughs are similarly to be maintained in cleanliness.

#### *Full Ration.*

The Manual provides that at food distribution parade the jailor shall carry scales and weights so that prisoners can check the weight of the food if they so desire. Complaints made by prisoners should be brought to the notice of the Superintendent.

### (II.) CONDITIONS IN THE JAILS.

The food that is prescribed under the rules is coarse and unsuited to the average prisoner even of the habitual criminal class.

#### **The Facts.**

In actual fact the flour contains sand and dirt, and the chapathis (bread) made out of it are unfit for normal human consumption. The food is often half-cooked, to make it weigh more. The grain troughs, we were told by prisoners, were dirty. The eating and cooking utensils we saw in Peshawar made one sick to look at. They were dirty in the extreme. Though jail gardens grow excellent vegetables, it is a well-known fact that these find their way to markets and supply the jail officials. The food of the Class C.

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\* Corresponding to Hard Labour in this country.

prisoner is mostly leaves and stalk. We were told this by men in jail, as at Rae Bareilly, and by almost every ex-prisoner we met.

### Complaints.

Complaints led not to rectification of evils, but to punishments which included solitary confinement and fetters, beating and kicks.

Worms and insects in grain and vegetables served to the prisoners are common.\*

*Water.*—The complaint that the supply of drinking water was insufficient was common to almost every province. For washing purposes the supply is even worse and the children suffered the hardship most.† At Benares Mrs. Usha Malaviya, who was a Class A. prisoner, complained to the jail authorities about the hardships suffered by the women in Class C. One of the complaints was that there was insufficient supply of drinking water in the heat of the Benares summer. The result was that the women concerned were taken away and Mrs. Malaviya, in fact, became a solitary prisoner. In some jails, the water was foul and cases of typhoid were reported. Devadas Gandhi, one of the sons of the Mahatma, was a victim of typhoid at one time while in jail.

### Children.

There are two distinct problems concerning the juvenile inmates of the prison. First, there are those in various prisons in India sentenced to Rigorous Imprisonment (Hard Labour) for Civil Disobedience offences under the Ordinances. The sentences vary from six months to a year and the age from 9 to 16 years. Their aggregate number is not large compared to the others, but the detention of these in prison, especially under the conditions obtaining in Indian jails, is nothing short of a crime. Some of these young offenders are flogged or whipped; they also do the labour of adults. Their youth makes them the victims of foul and abusive language and, we were told, of worse forms of tyranny. These boys were often unable to do the

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\* In Bengal the grain we saw contained worms. When we commented on it we were told that it was cattle food.

† "We were supplied with one bucket of water for six of us per day for washing purposes."—(Vidya Devi Varma, Woman ex-prisoner, Bareilly Jail. Evidence U.P. Committee Report.)

prescribed amount of labour and beaten in consequence. The Jail Manual provides that juveniles shall not be kept along with adults, but our information about the prisons in the United Provinces is that the juveniles were kept along with habitual adult criminals.\*

### **Infants.**

Then there is the problem of infants living in jails with their mothers. The jail rules provide that mothers may keep their children with them if the children are under six years of age. We were informed that in the case of Civil Disobedience women prisoners of Class C. this rule was broken. The mothers were put on to hard labour and the children isolated in another barrack during the period. Even the dietary as prescribed in the Manual, namely, half the adult prisoner's coarse food, is entirely unsuitable for infants. Further, there were no facilities for boiling the milk supplied or obtained, which was not merely adulterated, but often dirty. We were told of the hardships of children by ex-women prisoners in the United Provinces and the Bombay Presidency, one of these a mother, a schoolmistress, who had her baby of under a year with her while in prison.

These children are innocent of any crime or offence whatever, and the infliction of hardship and cruelty on them in their tender years should rouse the indignation and protests of all decent-minded people.

### **Women Prisoners.**

We were informed by women ex-prisoners that in Class C., prisoners were herded with habitual criminals and prostitutes. Many of the women Civil Disobedience prisoners are young women who have led sheltered lives, and the throwing of them into the company of the habitual criminal and the prostitute is not only against jail regulations but reprehensible.

Speaking of the treatment of women prisoners, Mrs. Captain (a granddaughter of Dadabhai Naoroji) said to us the first day we were in Bombay: "Prison treatment? Well, it can never be nice, but in my own case I cannot

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\* We heard frequent allegations about indecent approaches and assaults by warders (themselves criminals) and criminal prisoners on young boys in jails.

complain of ill-usage. The worst feature is the compulsion to herd with prostitutes. They are sometimes so diseased as to be horrible. I have heard a medical superintendent protest against having to see them. They respect us, however, and we have done a lot of good work among them in prison."

Public attention was also drawn to the facts by Miss Natarajan, not a Congress woman, who on her release from jail published some facts about the prison at Belgaum.

*Transport of Prisoners.*—Women prisoners were escorted over long journeys by policemen and head constables, without women warders, or other female company. Ex-prisoners complained about the behaviour and the foul language used by these escorts. Miss Natarajan, in her statement, refers to her "particularly obnoxious experience during our transfer from Poona to Belgaum." She also says: "The less said about the behaviour of the police escorts sent out with the women during transfers the better. They usually consisted of as many sepoys as women convicts, under the charge of a head constable. The policemen always insisted on occupying the same third-class apartment, however small, as the women prisoners. . . . They squeezed themselves in, used the same lavatories, made vulgar jokes and sang ribald songs, and used foul language."

The women's quarters in the Madras Penitentiary,\* the best jail in the province, are bad. There are four wards and twelve stone couches or platforms for sleeping, in each. The "mats" are put on these. Politicals and criminals are kept together. The women are locked in for twelve hours. In some cases the women had their children with them.

In Madura Miss M. Ratnamal, a Christian and an ex-prisoner, told us of the treatment of women in Vellore Jail. Mr. Hall, the District Magistrate, as well as the jail superintendent, had asserted that all educated women were given Class A. and B. But this we found was not true. The rice and flour supplied contained worms. The mat (for bedding) was too dirty to be used. The women were ordered to break stones. They refused. Political prisoners are locked up for longer hours than even ordinary criminals. On Sunday Class C. prisoners are locked in at 4 p.m. (until 5 a.m. the next morning). One hundred

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\* We visited this jail.

persons have to use one lavatory with ten seats in one line without partitions. The cells have often been crowded beyond capacity. No pillows are provided and the "rugs" are full of lice.

In Calcutta we met an old lady of 70 who had done six months, and a girl of fifteen who had undergone two terms of imprisonment in the Presidency Jail. Bina Das Gupta, sentenced to ten months' Rigorous Imprisonment, stated that she was beaten in prison in June last. She was also given solitary confinement for one month. Arate Mukerje, aged 26, it was stated to us, was beaten by a British police officer.

The jail rules require that women prisoners should be supplied with oil, comb and soap. The rule is honoured more in the breach than in the observance.

Miss Naroji (one of the daughters of the Dadhabhoy Naroji, who sat in the House of Commons as Liberal Member for Central Finsbury, the first Indian to be elected to Westminster) was imprisoned in Peshawar Men's Jail. Her hair was soon covered with fleas and lice in the prison.

### **Jail Accommodation.**

As has been pointed out, owing to the Civil Disobedience movement jails were filled to the normal capacity very soon. The authorities provided for the extra accommodation by:

- (i) Overcrowding existing jails.
- (ii) Pressing into service disused and condemned jails and other buildings.
- (iii) Erecting camp jails.
- (iv) Releasing habitual criminals.

(i) As early as March 1932 Belgaum District Jail had 1,500, while its normal capacity is about 1,000. We heard the same story of overcrowding in almost every province.

(ii) Visapur is an instance of a condemned building being pressed into service. Under its corrugated iron roof prisoners are crowded for over twelve hours each day, when they are locked in. In March the jail had about 900 prisoners and was greatly overcrowded.

(iii) Camp jails are sometimes erected inside the precincts of permanent jails or on new sites. The Delhi Camp

Jail\* is a notorious instance. Yerwada, where the Mahatma is confined, has also a camp jail.

(iv) The releasing of felons and criminals to make room for political prisoners is another device adopted by the authorities. According to the communique issued by the Director of Information, Bombay, on June 1st, 1932, 2,020 convicts in the Bombay Presidency were released before the expiry of their terms. In Bihar† no less than 1,000 convicts had been released by the 20th March, 1932.‡

**Barracks.**—Class C. prisoners are usually housed in barracks. The ones we saw accommodated 60 or 70. They sleep on mud platforms and have a "mat" each. Coarse blankets are also supplied. The lavatory accommodation for them is within the barrack itself in the same room or cell, and the prisoners are locked in for over twelve hours. Even for Class B. prisoners the lavatory buckets are inside the cells. In many of the jails the number in each barrack exceeded the quota allowed by the regulations.

## Discipline.

**The Convict Warder System.**—The convict warder§ system is responsible to a very great extent for the maltreatment of political prisoners. These men are selected by the Superintendents, in fact often by jailors and lesser officials of the prison. They obtain remission of their sentences for performance of these duties. The men who are chosen for these tasks are those who are entirely subservient and willing to do the dirty work of beating up and otherwise maltreating prisoners. The evidence of these convicts is accepted against the word of the political prisoners in the case of complaints of ill-treatment. The convict warders

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\* The conditions of this jail have been described on page 247.

† Similar release of criminals has taken place in other provinces.

‡ The Government, in a communique, explained its action. It was stated that the procedure was permitted in jail rules. Prisoners who had served a third of their term and not less than three months would thus be released on the recommendation of the appropriate jail governor (or officials).

§ Convict warders, overseers and watchmen are supplied with batons; they are mostly "habituals," but are allowed to keep and use the batons.—(U.P.C. Report.)



and convict overseers, being the minions of the jailors, were a great power in the jails and had often more actual power than regular warders.\* It is this class of convict official that with the full knowledge of Superintendents and jailors are responsible for violence to prisoners, outrages on boys, forcible extraction of apologies, and so on.

### European and Indian Prisoners.

*Racial Discrimination.*—The facts we give in this sub-section are in no sense a plea for lowering the standards of comfort or for imposing greater hardships on European prisoners. The administration in India is based on racial discrimination† despite proclamations and declarations to the contrary, and this discrimination is carried even into the prisons. An Indian political of the highest character, against whom no charge involving moral turpitude has been made, receives even in normal circumstances and under the Jail Manual, treatment far worse than the European convicted for the most heinous offence.

Our attention was drawn to this aspect of the matter by a member of the Lahore Bar. The Lahore High Court Association in a memorandum to the Government pointed out that Indian politicals were even under the best conditions treated worse than European and Anglo-Indian criminals. There are special prisons in India which provide accommodation for Europeans. When the Government make special provisions for a State prisoner like Mr. Gandhi they make use of the European quarters of the prison.‡

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\* A letter of Mr. Manobar Lal, himself a prisoner in Agra Jail, describes the system. Mr. Manobar Lal is a highly respected citizen of Agra. He was a member of the U.P. and All-India Congress Committee.

† The discrimination applies to trials, juries, tribunals, etc. This is an issue on which Mr. Gandhi and Mr. Jinnah, differing as they do on political views, ideals and methods, laid stress at the Round-Table Conference. The Europeans in India and the Government here and in India want to maintain these reservations in the new constitution. It is akin to extra-territoriality.

‡ The Bombay Jail Manual has a note which says: "Yerawda Central Prison has special accommodation for Europeans, Americans and Anglo-Indians."

We give below a table of contrasts<sup>†</sup> :—

	<i>European.</i>	<i>Indian.</i>
<i>Bedding.</i>	Pillow cases. Straw mat. Mattress. Woollen blanket.	One cumby. <sup>†</sup> One coir mat. <sup>†</sup>
<i>Clothing.</i>	White cotton.	4-in. squared white checked cloth.
<i>Soap and Towels.</i>	"Europeans shall be allowed a sufficient supply of soap and changes of linen and towels at such intervals as the Superintendent may direct."	One towel, 4 feet by 2 feet. "A new towel may be furnished to each convict not oftener than once in nine months."
<i>Cells.</i>	"Every male European prisoner shall be provided with a cell." (Europeans are placed in association wards only when the medical officer recommends it as the prisoner requires supervision or assistance at night.)	The vast majority of Indians are in crowded association barracks.

*Definition of a European.*—"The term European in this chapter shall include all prisoners who fall within the definition of European British subject in Section 4 (i) of the Criminal Procedure Code and all Europeans and Americans who are not British subjects."<sup>‡</sup>

There is a statutory provision for a European or American convicted of an offence punishable under the Indian Penal Code with transportation to be sentenced to Penal Servitude.

\* We have not given a comparative table of diet since the average Western reader would not be able to easily understand the nature of the diet provided to the Indian from the names.

† A cumby is a very rough blanket, more like rough felt than blanket. The Madras Jail Manual from which we have taken the particulars for the comparative table says: "A cumby should last for two years and a mat for five years." Since the prisoner is given only one of these it is obvious that the mat must be more grease and dirt than mat. The ones we saw in Peshawar Jail resembled a door mat and were dirty. They are made of *coir*.

‡ This is taken from one of the Jail Manuals. The Bombay Manual definition of European includes "European, Anglo-Indian and American and every other person, whether an Indian or not, whose habits and mode of living, in the opinion of the Superintendent, more nearly approaches that of the European than of the ordinary Indian."

He would then be confined in such prison in British India as the Governor-General in Council may by general order direct.\*

### **Latrine Parade.**

*Latrines.*—The term "latrine parade" was at first incomprehensible to us, but we heard about it everywhere. There are an insufficient number of latrines, and they are not kept clean. To give an instance, in Meerut Jail, our information is that the time allowed for the "latrine parade" is ten minutes for 80 prisoners, who have to use ten seats among them. During the twelve hours that the prisoners are locked in they are not permitted to use the lavatories.†

### (III.) PRISON LABOUR.

*Labour.*—Almost all Civil Disobedience prisoners in Class C. are sentenced to Rigorous Imprisonment (Hard Labour). The prescribing of "suitable" labour to a convict is left to the Superintendent under para. 675 of the Jail Manual.‡ It is also provided in para. 675 that no convict shall be worked more than nine hours a day, except in emergency. Forms of labour are classed as "hard," "medium" and "light." In rule 679 the Manual requires that the superintendent shall employ convicts on the class of labour determined by the medical officer.

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\* The sentences in the Meerut case, therefore, may mean transportation to the Andamans for the Indians who have been awarded that sentence. The penal island of the Andamans, where the conditions are intolerable, was given up as a penal island some time ago but has now again been pressed into service by the Indian Government to send political prisoners from Bengal. Sir Charles Oman, the Member for Oxford University in the House of Commons, suggested in the House of Commons that the Andamans should be used again to deport politicals. In India it was remarked that it was ironical that such a plea for medieval punishment for political offences should have come from the representative of a seat of learning. Sir Samuel Hoare agreed at the time to consider the suggestion, which we understand has since been adopted. (This foot-note was written before the judgment in the Meerut Appeal.)

† This is our information from ex-prisoners and in the numerous statements collected by the non-official U.P. Jail Committee. The Jail Manual (Bombay) permits the use of the latrines at night for urinal purposes though it says it is to be "discouraged."

‡ The U.P. Jail Manual is the one that is quoted by sections in these pages.

*The Oil Mill and the Grind Mill.\**—Para. 650 provides that on admission every convict who is physically fit shall be put to hard labour, including pressing oil, grinding corn, and pounding grain. In the hot weather an interval of three hours from 11 to 2 is prescribed, while in winter the interval is only one hour, from 11 to 12. Para. 683 lays down that female prisoners shall not be employed for grinding corn.

In one of the prisons which we visited the Superintendent denied that there were oil presses in prisons, while in another it was asserted that they were used only in the case of hardened criminals who were fit for no other work. The information we obtained, both directly and from the large number of statements made before responsible professional men, denies these assertions absolutely.

*Hem Chandra Rassler*, who was a Class C. prisoner in Chittagong Jail, in his statement made to us, said that he was put to work ten or eleven hours a day on the oil mill. It was ten hours continuously without a break. At about 11 o'clock food was given to him which had to be eaten in a few minutes while on the mill.† No bath or rest, even for a few minutes, was allowed. He did this work for the whole of February and up till the 22nd March. "At the oil mill, politicals and others who do not work are beaten by convict overseers and warders. I was not beaten, but I have witnessed the beating of two young men who fainted. They were not politicals. The beating is done with hands and with batons." Hem Chandra was transferred to Dum Dum after six weeks at Chittagong and given Class B. He was by profession a teacher and a weaving expert with a Government certificate.

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\*The oil mill labour appears pretty general. We came across many cases ourselves of ex-prisoners who have been put on the mill and also have in our possession many statements made before the U.P. Jail Committee.

† *U.P. Committee Report.*—*Hari Singh* (Bareilly Jail) stated : "In oil mills political prisoners were made to run like bullocks. They had to eat while they were doing work." *Altar Singh* of Muzzafarnagar, Bareilly Jail, stated that he worked on the oil mill from 6 a.m. to 5 p.m. Had to work while suffering from fever. Reported to Superintendent and punished for short labour.

## Some Forms and Categories of Hard Labour.\*

- Hard. (By task.)*
- (1) Weaving.
  - (2) Grinding corn.
  - (3) Weighing and storing grain, 100 maunds a day.
  - (4) Oil pressing, 18 seers of seed to be pressed by three persons.
  - (5) Aloe pounding, 1 seer dry fibre to be extracted.
  - (6) Moonj pounding, 15 seers.
  - (7) Cooking, three cooks for 100 prisoners, one for every fifty.
- Hard. (By time.)*
- (1) Water raising, nine hours' steady work.
  - (2) Water carrying.
  - (3) Carrying loads (stones, earth, etc.).
  - (4) Making mortar.
  - (5) Making rope.
- Light Work.*
- (1) Twisting thread or fibre.
  - (2) Cotton yarn,  $1\frac{1}{2}$  seers.
  - (3) Moonj ban, 200 yards.

The Bombay Manual gives the categories of hard and miscellaneous labour as follows :—

- |                       |                                      |   |
|-----------------------|--------------------------------------|---|
| <i>Hard.</i>          | Earth digging.                       | Road making.                            |
|                       | Quarrying.                           | Carrying or hauling loads.              |
|                       | Raising water.                       |   |
|                       | Hewing trees and cleaving firewood.  | Sawing wood.                            |
|                       | Oil pressing.                        | Rough carpentry.                        |
|                       | Extracting fibre by pounding.        | Blacksmith's work.                      |
|                       |                                      | Grain grinding (not less than 30 lbs.). |
| <i>Miscellaneous.</i> | Grinding grain, 30 to 40 lbs.        |   |
|                       | Cleaning grain, 200 lbs.             |   |
|                       | Pounding fibre, $1\frac{1}{2}$ lbs.  |   |
|                       | Picking oakum, 3 to 4 lbs.           |   |
|                       | Winding reels for weavers, 7 lbs.    |   |
|                       | Stone-breaking, 10 to 25 cubic feet. |   |
|                       | Earth work, 100 cubic feet.          |   |
|                       | Bowing wool, 15 lbs.                 |   |

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\* According to the U.P. Jail Manual.

The Jail Manual lays down that convicts shall not be employed on the oil mill for more than fifteen days at a time. This rule is not observed.\* Political prisoners, including boys and aged and infirm men, have been put on to this task. We have in our possession statements of sufferers and personal witnesses.† The personal testimony of a Mussalman Member of the North-West Frontier Province Legislative Council may be quoted in this connection. Speaking in the Legislature of conditions in the Frontier Province jails, Mr. Pir Buksh (Peshawar City) said: "Like prisoners convicted for moral offences, they (politicals) are also made to work the oil press and the grinding mills. One day I was sitting in my room in the jail. A prisoner came running to me and said that Pir Shahmshad, Kabir Mahamud Jalebi and Gulam Mahomed, who are educated young men (the latter has studied up to the intermediate standard and is also a municipal commissioner), were lying unconscious in a cell. It was the month of July. I saw a most heartrending scene in that cell. In that dark place I saw three educated young men harnessed like bullocks to the oil press, lying unconscious."‡

#### (IV.) DETENUEES IN JAIL.

Under the Bengal Ordinances and century-old "regulations" men and women are kept in prison for suspected complicity. They are classed as detenuees. We were not able to visit any of these detenue camps, but we interviewed some ex-detenuess. The principal "detenue camps" are Hijjli, Buxa, Suri and Deli. There are special regulations governing these detenuees and they are classed as "civil" prisoners.

\* C.f. Answers in the Bombay Council, October 13th, 1932.

† R. M. Samgal, Banker and Zemindar of Rajasahi, arrested on the 23rd April for helping picketers and sentenced to three months' Rigorous Imprisonment in the 3rd division and sent to Rajasahi Central Division Jail, stated to us: "There were about 34 boys, political prisoners, there. They were working in oil mills and flour mills (grinding) for over eight hours a day. When they refused to work they were punished with cross bar fetters, penal diet, solitary cell, gunny bag dress, night handcuffs and standing handcuffs, from 7 a.m. till 1 p.m. and from 2 p.m. to 5 p.m. during the day. Their hands were sometimes tied to the oil mills. I have seen all these punishments and treatment. On the second day of my arrival there was a strike among the boys."

‡ Mr. Pir Baksh also refers to other forms of hard labour and punishment in the jail which came within his experience.—(N.W.F.P. Council Reports, Vol. I, No. 7; see also No. 8.)

### According to the regulations :—

"Each detenue is provided with necessary furniture of ordinary comfort, including a light at night and a mosquito net. In addition to what is supplied by the Government a detenue is at liberty to provide at his own expense such other furniture as may be consistent with his ordinary habits and the accommodation in the camp jail.

"Each detenue receives a daily allowance for diet, and in addition a monthly allowance. He may wear his own clothes and, at the discretion of the Superintendent, extra clothes and bedding can be supplied by his friends or purchased from the monthly allowance.

"Official circles claim that the diet fulfils all the requirements of respectable Bengali food. Reasonable quantities of fruits, cigarettes, pan and spices, within the daily allowance, are permitted. That scale is not rigid and the wishes of the detenues may be taken into account. They are allowed to supervise the cooking of the food if they desire. Arrangements for indoor games have been made. Reasonable facilities are also given for the performance of private worship."\*

### Some Cases.

The following narratives of cases which we obtained will throw some light on the nature of the charges and grounds for detention of these detenues.

Case 1.—In June, 1931, Mr. K. P. Sen, special Magistrate (Dacca), was shot by terrorists. We were told that Mr. Sen had become notorious for beating women Civil Disobedience prisoners. A terrorist, K. P. Mukerjee, confessed to the murder, which he said he alone had committed. The police arrested sixty people from different parts of Dacca District, and kept them in custody (without any charge or trial) for two months. All except K. P. Mukerjee were then released. Nine of the sixty were immediately re-arrested under the Bengal Ordinances and kept as detenues. (All the sixty, we were informed, were Congress workers or associates, unconnected with terrorism.)

Case 2.—On March 28th,† 1932, there was a robbery on an Assam-Bengal train at 4 p.m. near Dacca station. The police arrested about fifty people in the town on the next and following days (no arrests were made on the day of the robbery). They were kept in custody for four months,

\* The *Indian Recorder* (page 93, April-June, 1932) publishes the above. It is stated that the Chief Commissioner of Azmar-Merware issued supplemental instructions to approximate conditions in the camp jail to those that obtain in Bengal.

† We are not sure about this date, the entry in our notes is not quite legible.

after which all but three were released. Four of the released men were arrested under the Bengal Ordinances and kept as detainees.

Case 3.—In June, 1932, a traveller was robbed at Dologan station of a small amount of money. Seventy people were arrested, all Congressmen, detained for six weeks and released. Three were re-arrested and kept as detainees. They were Congress workers, and opposed to terrorism.

Case 4.—Thirteen persons were arrested after a train robbery on the Assam-Bengal Railway in August, 1932, without any charge being made. They were all released on the 13th September. All of them were re-arrested under the Bengal Ordinances and kept as detainees. Two of the thirteen were fourteen years of age.

### **Shooting of Detenues.**

Complaints of ill-treatment and violence by jail officials in these internment camps were made to us in Bengal. There have been cases of firing on detainees. The Bengal Government appear, from the order we quote below, to have given wide powers to prison officials :—

"If any detainee under the Bengal Criminal Law Amendment Act, 1930, disobeys or neglects to comply with any order made, direction given or condition prescribed by virtue of any rule made under Section 13 of the said Act, the authority which made the order, gave the direction or prescribed the condition may use any and every means necessary to enforce compliance with such order."  
(italics ours.)

The shooting of unarmed detainees at Hijili in September, 1931, by the armed guards of this camp and the findings\* of an official committee, consisting of a British official and an Indian judge, which state that the shooting was "in-discriminate" and "without justification" and resulted in serious injuries and two deaths, should have been sufficient reason for the Bengal Government to desist from placing such unrestricted powers as provided in the Order quoted in the hands of prison officials.

### **Women's Camps.**

*Women Detenues.*—Among the detainees are many women, mostly college girls, suspected of terrorist crimes, but not proved guilty or charged with such. The condition of one of these places, the Suri Camp, will be evident from the

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\* The text of the official report on the Hijili Firing is published in pamphlet form and may be obtained from The India League.



following account of a hunger strike which appeared in the Press. Even the local officials seem to agree that the conditions were unbearable. Seven young lady detenues were sent to Suri and lodged in a room 25 feet by 15 feet, part of which was used as a store and the remaining portion furnished for the detenues. The south and east sides of the room were completely blocked and the room had no windows. The heat in this part of India is excessive in the hot months. The detenues petitioned for transfer to some other jail. The Press report says that the petition was submitted in January, and the magistrate assured the prisoners that their transfer had been decided upon and would take place about the middle of April. No orders came, and about the 15th April the Superintendent asked them to wait a little more. They then asked for permission to sleep on the verandah, as it was very hot. This request was refused. The detenues, however, insisted on sleeping outside and the authorities called in the female warders, but the detenues refused to sleep inside. Twenty-eight male warders were then requisitioned. Fearing insults, the detenues went inside the room and started a hunger strike.

The District Magistrate sent for the guardians of the detenues, and on their intervention the hunger strike came to an end by the authorities agreeing to extend the lock-up hour.\*

#### (V.) PUNISHMENTS IN JAILS.

Under the Indian Prisoners Act of 1894 and the Jail Manuals of the Provinces the punishments to be meted out to prisoners are laid down. These, in themselves, are medieval. The actual punishments which the Civil Disobedience prisoners suffer are worse than those permitted in the Jail Manuals themselves.

According to the Bombay Jail Manual the punishments include :—

- (1) Formal warning.
- (2) Imposition of more severe or irksome labour.
- (3) Forfeiture of remissions, privileges or reduction of class.
- (4) Gunny bag (coarse) clothing.

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\* The prison authorities and the magistrate in this case appear to have appreciated the hardships of the detenues, though they provided no remedies.

- (5) Handcuffing :—
 

(a) Front of body—fettters	} Not more than four consecutive days.
(b) Back of body—chains	
- (6) Fettters :—Bar fettters.  
Link fettters.  
Cross bar fettters.
- (7) Penal diet (for not more than 96 hours).
- (8) Separate confinement for not more than six months; no communications with others permitted but may see others.
- (9) Cellular confinement ; complete seclusion from others but allowed to see others.
- (10) Whipping.
- (11) Combination of punishments.

In addition to this the Prisons Act and other Jail Manuals provide for solitary confinement.

### **Chain Gangs, Solitary Cells and Beatings.**

R. M. Sangal, Banker of Rajasahi, stated to us : “ I was put in a solitary cell for two months and allowed out only for an hour each in the morning and evening. I was allowed no reading and given no work. I lost 9 lbs. weight and suffered from insomnia. I was transferred from there to a cubicle 5 feet by 7 feet by 7½ feet, all sides wire netting, in a house of 94 such cubicles.”

In the Peshawar Jail we ourselves saw prisoners *under trial* who had been in jail for over a year with bar fettters.

Debondraneth Sen, a University graduate of Dacca, was sentenced to eight months in Class C., and after being in Dacca Jail for a fortnight was sent to Dum Dum Jail. At Dacca he was handcuffed at night and put on “ penal rice.” At Dum Dum several prisoners were handcuffed and prisoners were tied to each other. There was no attempt at escape by political prisoners in that jail.

We take the following cases from the Report of the non-official Jail Committee in the United Provinces :—

(1) Sewa Ram, of Bareilly, was seen talking to Shiva Shaukad, of Muzzafarpur. He was given standing handcuffs for four days as punishment. He had to answer the calls of nature while still in standing handcuffs.

(2) Ram Dutt, of Bahampur (Gonda Jail), was given solitary cell for not wearing jail cap. He actually remained in the cell for about a month.

(3) In April, 1932, *Mata Prasad* (Gonda Jail), a lad of sixteen, was given work on the pumps. The boy got sores on his hands and asked the jailor for change of task. He was given bar fetters as punishment.

(4) *Rama Tirtha* went on hunger strike in February-March, 1932, as a protest against bad food, in Basti Jail, which lasted one month. He was transferred to Gonda Jail in a very weak condition, but he was kept in solitary cell and put in bar fetters. He became unconscious on the 6th March. (The rest of the prisoners went on hunger strike in protest and there was a *lathi* charge.—See *lathi* charges.) *Rama Tirtha*, who at the time of the hunger strike and the *lathi* charge was lying in bar fetters, was tried a month later when he had recovered and sentenced to additional imprisonment for four months for creating a disturbance in jail.

(5) *Bharat Singh*, 20 years, of the village of Kanta, Aligarh District, was chained at night along with twenty or so others, all under 20 years of age. During the day *Bharat Singh* was locked in. This is confirmed in an independent statement made by *Kandhan Singh*, of Ranipan, aged 20, who says that after a few days in jail he was deprived of his blanket and chained with 25 or so others, all boys, while sleeping on the verandah, which they were compelled to do, though it was the cold season. (*Kandhan Singh* was convicted for 3½ months on Jan. 5th, 1932, Aligarh Jail.)

(6) *Madan Lal Parmi*, aged 26, of Menak Chouk, Aligarh, was chained with 54 others and was also deprived of blankets. Arrested 26th January and convicted for three months (Aligarh District Jail).

The above are random samples of punishments given in the jails and the alleged offences are mostly making complaints about conditions or of the ill-treatment of a fellow prisoner, hunger strikes or refusal to submit to some humiliation or other.\*

### **Arbitrary and Excessive Punishments.**

*Illegal Punishments.*—There are two other types of hardships suffered by prisoners, one completely illegal and entirely arbitrary, the other the infliction of prescribed

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\* We deal with the problem of jail discipline and humiliations under general treatment elsewhere.

punishments in excess of or without regard to the limitations in the Jail Manual.

Illegal beating appears to be practised in the jails of every province in India.\* We heard the statements of ex-prisoners ourselves. The convict-warder system, the Government's policy towards Civil Disobedience prisoners,† the impossibility of any public vigilance, the system of inquiry into grievances and the herding together of politicals and habitual criminals, lead to illegal tyrannies in the Indian jails which are a wicked scandal.

A number of instances are given in the United Provinces unofficial Jail Committee's report of examples of general conditions that obtain.‡

#### (VI.) NON-OFFICIAL VIEW OF CONDITIONS.

*Jail Visitors.*—We have already stated that we found it very difficult to visit jails. In various places we were refused permission. We were accompanied by jail superintendents and jailors and in the majority of cases the District Official.§

We were not allowed to talk to the prisoners or to ask

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\* This beating is not to be confused with flogging, which in certain circumstances is "legal."

† Cf. copy of Confidential Circular sent to jail Superintendents in the Madras Presidency by the Inspector General of Prisons, which we print on page 273.

‡ The report contains sworn statements of victims of torture, beating and ill-treatment made before reputable citizens. We have copies of these, but are unable in the brief space available here to quote sufficient instances.

§ In the Madura Jail Mr. Hall, the District Magistrate, accompanied us. We saw the food, the hospital, the men's and women's quarters, the workshop. In no case were we allowed to speak to the prisoners and very few were visible. The District Magistrate stated that there was no beating in that jail.

At Cannanore we were accompanied by the District Magistrate, who very kindly travelled from Calicut to show the jail. Here also we saw very little. A statement published by a prisoner who was released a few days later stated that we had not seen the Class C. prisoners or the places where they live. Also that if the Civil Disobedience men had known that the visitor was a member of the India League Delegation they would have said what conditions were obtaining and risked punishment.

We are grateful to the officials who accompanied us, but quite obviously we were not free investigators.

them questions.\* We naturally had to see what we were shown and sometimes for our own information we asked the officials to show us some of the places that we wanted to see.† Under the Jail Rules and the Prisons Act of India the jails are visited by official and non-official "visitors." They are all appointed by the Government and the Legislatures have no power in this matter.

We do not know whether the members of the Legislature in every province have the right to visit jails or are *ex-officio* visitors. But the following statement by Ch. Baldeva, M.L.C. (Depressed Classes, Sweeper by caste), not a member of Congress, throws some light on the matter:—

"It is with a feeling of great pain and humiliation that I am writing this letter. Ever since I received G.O. No. 2600 vi. 142, 1931, circulated on 21.1.32, by which all the members of the Legislative Council who represent territorial constituencies were made *ex-officio* jail visitors, I have been trying to visit Meerut District Jail, but I am always being put off by the jail authorities on one pretext or another. Indeed, it seems to me that the jail authorities take pride in openly flouting the instructions given in various circulars issued by the Local Government and in setting at naught the assurances of the Chief Secretary even. Their conduct seems very clearly to imply that the circular issued and the assurances extended are to be observed more in their breach than in their observance.

"In the first place, it seems doubtful to me that the Government letter circulated on the 12th January, 1932, has not reached the jail Superintendent even so late as 16th February, 1932. If it did not then the only reasonable inference that can be drawn from this omission is that the circular was only meant to be an eyewash for the public and was never intended to be given effect to, since the jail Superintendent had not received the circular before the end of March, 1932, and there could be no justification for his not then instructing the jailor that such and such persons had been appointed *ex-officio* jail visitors and that they were to be admitted whenever they felt inclined to exercise their right, especially after so much correspondence on the subject. Even in normal times such courtesies could be expected. But in these abnormal times, when the atmosphere is surcharged with doubts and suspicions, these omissions, even though *bona-fide* (which in this case they do not seem to be), are likely to be misconstrued.

"For a long time I have been hearing all sorts of rumours in the city. These rumours of ill-treatment of political prisoners have gradually been gaining ground.

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\* In Rae Bareilly, however, we were allowed to question a prisoner. (See page 279.)

† The jail authorities had notice of the visit in every case and it was obvious, as at Rae Bareilly, that we were seeing a specially prepared scene.

"It was with a view to ascertaining the truth or falsity of them that I wanted to visit the jail on the 6th or 7th April, when I was so very summarily refused on the pretext that I had not brought the written permission of the jail Superintendent. To be able to know the true state of affairs I wanted to give a surprise visit.

"To have tried to obtain permission beforehand would have nullified the very object of my visit. The local authorities, by persistently refusing me admission into the jail, are forcing me to infer that their treatment of political prisoners is not what it should be. My object in trying to visit the jail was to know the true facts to contradict them if they were wrong, or to remedy them, if true. With that for my object I would now request you to kindly come to Meerut and see for yourself as to what is happening here in the local jail."\*

### **A Suicide Case.**

In another instance three members of the Legislative Council of Bengal asked the Government of India for permission to visit the Deoli Camp Jail (Detenues), where a detainee, Mrinal Kanti Roy Chaudri, had committed suicide, in order to investigate the conditions connected with the suicide. Though the request came from the friends of the Government who are co-operating with it, permission was refused. The reply of the Government was that Major Davidson, an Honorary First Class Magistrate, had already made an inquiry and that the Government of India were satisfied as to the facts of the case.

Major Davidson's report says :—

"I give a finding of suicide by fracture of the spinal column of the neck by hanging with a rope while in a temporary unsound mind.

"I would add that I consider that the jail authorities did all in their power to alleviate the condition of the deceased at all times, and that I consider the chief cause of this act was apprehension of his bodily safety at the hands of his fellow detenues if sent back to live amongst them in jail."

Another statement on the same case is an extract from a letter from Janendra Chandra Mouzamdar, a detainee, to our Calcutta host, Mr. J. C. Gupta, Barrister-at-law :—

"You have heard of the death of Mrinal Roy Chaudri. His state of health, the treatment he received at the Presidency Jail, the excessive heat and other conditions here and want of proper medical aid were too much for him to bear and he began to show signs of derangement, whereupon the Superintendent took him outside the camp in a segregation cell, where he was alleged to have committed suicide. While he was in the cell outside none

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\* Letter to the U.P. Government.

of us were allowed to go to see him, though some of his friends pressed for that.”\*

With regard to the visitors appointed by the Government, they do not appear to inspire any public confidence. An appeal for a committee of the Legislature to visit the jails was made in the North-West Frontier Province Council by Rao Saheb Mehr Chand Khana, our host in Peshawar. Rao Saheb Khana is a Hindu† and elected by a large number of European votes in the Peshawar Cantonment. He said:—

“I am a co-operator and a friend of the Government and hope to remain such. . . . I know there are non-official jail visitors, but who are they? The less we talk about them the better. Has anyone ever seen their reports? I, however, know what those reports are.”

Some of the very restrained statements issued by Indians of the co-operating section, title holders, members of the legislatures, etc., point to a very deplorable state of affairs which in any country with an administration that should take notice of public opinion would lead to a public inquiry.

The resolution of the Rajshahi People's Association (not Congress) embodies the impressions of Mr. Kishori Mohan Choudri, M.L.C., on the Rajshahi Central Jail (Bengal). It runs:

“On hearing the statement of Mr. Kishori Mohan Choudri, Member of the Legislative Council and a non-official visitor to the Rajshahi Central Jail, regarding the oppressive treatment in the shape of gunny clothing, bar fetters, night handcuffs and self-cooking without proper fuel, etc., . . . this Association . . . requests the Hon'ble Member in charge for a better and more humane treatment of prisoners.”

Sir Sita Ram, another of the Government's friends who visited jails in the United Provinces, made a public statement from which we take the following extracts:—

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\*The reply of the Government in this matter should throw some light on the official mind and the relation between the public and the Government. The case is obviously one in which public opinion is not satisfied about the statement issued by Major Davidson. The Government accepts it and refuses the demand of legislators who are the representatives of the people. There was no public inquiry.

†Hindus in the North-West Frontier Province are regarded as friends of the Government. A group of six Hindus in the N.W.F.P. Legislative Council, of which Rao Saheb Khana is one, as a rule vote with the Government, though they have gone into the opposition lobby on occasion.

"... A conversation with those classed as 'C.' brought the following point out, among others, which in my opinion calls for some suitable action.

"(a) Letters in Hindi are not permitted to be written even by those not knowing any other language.

"(b) Sajji supplied for washing purposes is inadequate for two pairs of clothing.

"(c) One doctor looking after both the police and jail hospitals makes it almost impossible for him to look after a large number of prisoners properly.

"(d) Close shaving of the heads by means of razors once a week or so can give place to the use of scissors instead. Hindu prisoners object to having their heads close shaven on religious grounds, for Hindu householders get their heads close shaven only on the death of their parent.

"(f) Vegetables other than Chaulai and Kulfashould be supplied at least by way of variety. . . . I consider that a greater mixture by other vegetables is certainly called for.

"... In the case of short labour it is for consideration as to how far educated young men of the Congress mentality need be put on to the drawing of water or grinding of corn. In their case the prescribed quantity of labour can be reduced considerably. This may lead to less indiscipline and will minimise jail punishment. I regret that the Kolhu (hand-drawn oil mill) still persists. In my opinion these Congressmen should certainly not be put on to this form of labour. I had said so in 1930 when I visited the Buduan Jail."

This gentleman also wrote a confidential letter to the Government in which he is stated to have set out in more accurate detail what he saw and thought of the conditions in the Bareilly District Jail.

### **Moderates Appeal to the Government.**

The Government of India has been memorialised and petitioned by several political groups more or less friendly to it on the question of treatment of political prisoners. To cite instances, the Lahore High Court Bar Association pointed out that in all civilised countries "political prisoners were treated better than criminals."

The Bombay Liberals, who are among the staunchest opponents of Civil Disobedience and are unrepentant and implacable constitutionalists and moderates, in a memorandum to the Government of India charged the Provincial Governments with a change of policy in the treatment of Civil Disobedience prisoners which Mr. Haig denied on behalf of the Government in the Assembly in April. The memorandum pointed out that such a change (for the worse) "was inconsistent with the Government's assur-



ances." Public feeling had been further inflamed and more bitterness created by the treatment meted out to politicals which the Bombay Liberals characterised as "vindictive" and designed deliberately to cause humiliation. The Indian Merchants' Chamber, in a letter to the Home Department of the Government of Bombay on April 1st, 1932, also complained about the classification of prisoners. The committee of the Chamber felt that it was clear from the rules made by the Government of India and the Bombay Government "that this classification has to take into account social status, education, and habits of life of prisoners, provided of course that they are not convicted of offences involving elements of cruelty, moral degradation or personal greed or serious or premeditated violence." Class C., it is said, is generally meant for the ordinary jail population and Civil Disobedience prisoners are not part of the ordinary jail population. The Committee appealed for examination of the problems and revisions of the rules.

#### (VII.) ILL-TREATMENT OF PRISONERS.

The ill-treatment of Civil Disobedience prisoners inside the jails was alleged in every Province in India. The reports of cases that we obtained ourselves from sufferers, the large number of authenticated statements of ex-prisoners, collected by a committee of eminent lawyers in the United Provinces, personal published testimony of well-known men and women and the questions in the Legislature on the subject, point to a widespread practice of inflicting physical and mental suffering on political prisoners, by warders and higher jail officials, and the pursuance of a vindictive policy in regard to them. It would appear that such ill-treatment is part of the general plan of terrorisation of Congressmen and sympathisers with a view to suppressing their activities or weaning them away from Congress affiliation. Like Police Raj outside, the treatment in the jail is partly the consequence of official callousness to human suffering and dignity, which is normal in India,\* and partly a considered policy which is at once vindictive and aims at being preventive. In many cases, the prisoner, who, under the law, bad as it

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\* This is a feature which would impress itself on the minds of visitors to India, if they are not seeing everything through official eyes.

may be, has been punished once, by imprisonment and its rigours under the Indian jail codes, is being continually and repeatedly persecuted for his or her offence, that of holding certain views and allegiances, and life in the jail thus becomes a plurality of further punishments inflicted summarily and repeatedly by warders and others with the connivance of higher officials.

### **A Confidential Circular.**

Official policy is formulated in circulars to jail officials, which are confidential; it permits, where it does not encourage or endorse, cruelty by lower officials, who are many of them criminal convicts themselves. As a sample of these official instructions we give below a copy of a confidential circular issued by the Inspector-General of Prisons, Madras :

"1. The Inspector-General of Prisons is informed that the Government have been and are receiving disquieting reports about lack of discipline among prisoners (Civil Disobedience Movement). At the conference of Collectors held on 18/5/32 it was decided that the quality of jail discipline should be re-examined with reference to the possibility of strengthening it against this class of prisoners. After a careful examination of existing rules regarding general discipline and daily routine in jails, the Government consider that the existing rules are sufficient for safeguarding discipline in jails. They are, however, constrained to remark that it is not the rules but their application which is at fault. Some Superintendents of Jails are not evidently making use of the powers they have and discipline is suffering accordingly. It has been suggested that Superintendents are apprehensive of censure to use their punitive powers against Civil Disobedience Movement prisoners. The Inspector-General is informed that Government consider that discipline in jail should be tightened up immediately and that there is no reason for any discrimination in favour of Civil Disobedience Movement prisoners as such.

"2. The Superintendents are required to see they are personally satisfied with all important points concerned with jail administration. Discipline of a higher order is essential and any laxity of discipline will be seriously viewed.

"3. The Inspector-General desires to impress upon Superintendents and jail subordinates the fact that there is no justification for preferential treatment in favour of Civil Disobedience Movement prisoners as such, and their attention is specially drawn to Circular No. 4426, dated 17/5/32. This class requires to be kept in their place and dealt with firmly.

"4. This instruction should be noted in jail order book and acknowledged by all subordinates, and any case of mismanagement on the part of Chief Executive Officers, i.e., Jailors, Dy. Jailors,

Chief and Reserve Head Warders, brought to the notice of the Inspector-General."

(Sd.)

3/7/32.

Confidential Circular and Memo. To all Superintendents of Jails, Madras Presidency.

### **Miss Slade's Testimony.**

Mr. Gandhi's disciple, Mira Ben (Miss Madeline Slade), published an account of the conditions and treatment of women prisoners. She had herself been given class A., but since there was no class A. accommodation in the Arthur Road Jail, Bombay, she was put in with thirty or forty class C. prisoners for about two months.

On her first night in the jail she was locked up with the C. class women prisoners, and she at once noticed that the prisoners lived in continual fear of insults and bullying by the matron.

### **Herding with Prostitutes.\***

In the latter part of her stay in Arthur Road, her neighbours were three criminals, two thieves and a prostitute, who lived on the same verandah as she did. The criminals were not locked in for the night, while the politicals were locked in from 6 p.m. to 6.30 a.m., during weekdays, and from 3 p.m. on Sundays.

### **Bullying of Prisoners.**

She describes the sufferings of women class C. prisoners as continual bullying, pin-pricks, harassments, and insults, and that the treatment is designed to crush the spirit of the prisoners.

Little children and babies are not allowed to see their mothers; such interviews as take place are with the prison bars between; prisoners' rations, soaps, hair oil, etc., even where some of these are paid for by the women prisoners, are interfered with and do not reach the people concerned.

The matron and wardresses appear to make a practice of interfering with prisoners at meals and prayers.

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\* Miss Slade's allegations have been denied (without citing evidence) by Sir Harry Haig, the Home Member. Other women ex-prisoners told us of their own experiences in this respect. (See p. 252.) Some ladies whom we interviewed in Bengal also gave us similar information.

### **Penalised for Complaining.**

Mira Ben and Mrs. Chattopadhyaya put the facts about the conditions and treatment of class C. prisoners before the jail committee during its quarterly visit to the jail. The consequence was that they were separated from the rest of the prisoners and were confined to a separate barrack, where they were locked in in a very small cell and shut in the yard for twelve and a half hours out of twenty-four. They inquired the reason of this punishment, but no reply was given.

### **Fetters on Under-Trials.**

The use of fetters of different descriptions\* on political prisoners, who have voluntarily submitted to arrest and have made no attempt to escape, is part of the "firm" treatment meted out.

In the North-West Frontier Province, Major W. E. R. Diamond, the Inspector-General of Prisons, stated, in the Legislature :

"All the prisoners in the Haripur Jail are fettered with the exception of old men and young boys. Six months' prisoners have all chain fetters, and long sentence prisoners have bar fetters. It is true that some of the six months' prisoners have bar fetters, *but this can be accounted for by the fact that we had run short of chain fetters and it was much easier to make bar fetters than chain fetters.*" (Italics ours.)

The fettering of prisoners is permitted under jail rules in the Provinces of India, only in the case of prisoners sentenced to long terms. Bar fetters are a particularly harsh form of treatment, and the Inspector-General excuses himself on the ground that they ran short of chain fetters !

Fettering of political prisoners and handcuffing is not confined to the North-West Frontier Province. We have the facts of a number of cases in the United Provinces, Bengal, and other Provinces.

### **Other Forms of Treatment.**

Statements† made by ex-prisoners to us, to the United Province Jail Committee (non-official), and published in

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\* See p. 265.

† We have in our possession a large number of such statements.

the press, give details of ill-treatment, handcuffing, beating and torture to extract apologies.

Judged from this body of evidence, gross ill-treatment is widespread, and appears to be vindictive.

Mr. K. C. Neogy, a Member of the Legislative Assembly, characterised the treatment in jail as "a most inhuman, brutal policy adopted with regard to Civil Disobedience prisoners in jail, the object being to deter people from resorting to Civil Disobedience."

### **Under-Trial Handcuffed.**

He cited some notable instances, one of which related to Mr. Nagendranath Sen\* a Member of the Bengal Legislative Council, and President of the Bar Association of Khulna.

He was an under-trial prisoner in Class I., a Civil Disobedience prisoner. He stated :

"On the 25th an escort consisting of three or four police constables and a havildar came to the jail to escort us to the Court. There were several other political prisoners, Civil Disobedience prisoners, and there were besides ordinary under-trials, including one who was accused in a rape case. Besides myself, the other six Civil Disobedience under-trials were handcuffed in pairs, and the four ordinary under-trials were also handcuffed in pairs. So there were five pairs, and I was alone and odd. When my turn came and the policemen took the irons in their hands, the Deputy Jailor, who was in attendance, then suggested to the police that as a Division I, under-trial, I should not be cuffed, whereupon the havildar wanted written orders. Receiving no response, they handcuffed me and put a rope round the entire company of eleven under-trials, and we were thus marched off to the Court and deposited in the lock-up. . . . No crowd had collected at the jail gate. No attempt has even been made anywhere during the Civil Disobedience Movement to rescue any prisoner, nor has anybody ever heard of any attempt by a Civil Disobedience prisoner to escape."

### **Assault by a British Official.**

Another case is described by Mr. Neogy, thus :

"Here I have an account which was made the subject of an interpellation in the Bengal Legislative Council regarding an assault that was committed by no less person than a European member of the Indian Civil Service, the sub-divisional officer of the particular sub-division where this assault took place on a Civil Disobedience prisoner on his refusal to give the usual thumb impression. This particular man was so ill on that day that he had to be carried on a stretcher to the Court. The sub-divisional

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\* We obtained particulars of this and similar cases in Calcutta.  
(Cf. Assembly Debates, Vol. V., No. 7, 1932).

officer, I understand, was holding his Court inside the jail premises, for the purpose of trying this offence of refusal to give the thumb impression. Now, this man having been carried on a stretcher was convicted to two months' rigorous imprisonment for having refused to give his thumb impression. Having received this punishment, this man, along with another who was not ill, was returning to their ward, when the sub-divisional officer called them back. Some jail sentries were also called and the sub-divisional officer then asked them again to give their thumb impressions. But they persistently refused. At this he flew into a rage, and, snatching a baton from a police officer, struck this sick man on the head, hip, and other parts of his body. The police officer and the sentries also took up the cue and made free use of whatever they could put their hands on. The sub-divisional officer sat upon the chest of this sick man, dislocated his thumb and forefinger joint by applying force, and then his thumb impression was taken."

The other prisoner, Mr. Neogy states, was also assaulted:

"His hand was fractured. He was struck on the head with a baton and kicked in the stomach. Both these men became unconscious, and the sick man's wound was bleeding profusely. Hearing the tumult, the jailor rushed to the place and sounded the alarm, but on understanding the situation he stopped the alarm and tried to pacify the prisoners with the assurance that proper steps would be taken. It was found that the sick man had a deep and long wound on the forehead, apart from other marks of assault, and his fingers of both hands had been damaged, and abdomen swollen with kicks."

The Berar representative interposed to say that in the Central Provinces similar treatment was meted out to an ex-Member of the Legislative Assembly.

### **The Official Version.**

The Bengal Government's version of the case, elicited in reply to interpellation, was next quoted by Mr. Neogy, and it said:

"The prisoner refused to give his thumb impression as required under Section so-and-so of the Identification of Prisoners Act of 1920. He was informed of the fact that the provisions of the law clearly contemplated that such impression should be taken by force, if necessary, and after every effort was made to make him give his thumb impression, he resisted the officer discharging his duty. A struggle ensued (*mind you, with a man who had to be carried on a stretcher*) and, in the course of the struggle, the prisoner received minor injury. The prisoner was not deliberately assaulted."

### **Another Case.**

Another case is that of Mr. Dhires Chandra Chakravarti, M.A., editor of an English weekly in Calcutta, the *New Era*,

who had been sentenced to two years' rigorous imprisonment for preaching the Congress programme at a meeting. Mr. Neogy describes the treatment meted out to him :

"He was removed from the Munshiganj sub-jail to the Dacca Central Jail on the 27th January in a handcuffed state. A large number of people gathered on the roadside and greeted him with shouts of 'Bande Mataram.' At this, an Assistant Superintendent of Police, who was then at Munshiganj Thana, rushed out and assaulted Dhiresh Babu with blows on the left eye and temple. Being handcuffed, he could offer no resistance. The spectacles he wore were smashed to pieces. For the time he was rendered unconscious. It was most fortunate that the broken pieces of glass only scratched the lids and did not pierce into the eye, which had been narrowly saved. After this, the authorities left him without any glasses for days together and ultimately these had to be supplied from his home. This incident also formed the subject matter of interpellations in the Bengal Legislative Council, and this is what the Chota Home Member said :

" 'Yes, one blow was struck, but there was a certain amount of provocation, and the officer was totally unaware that Dhiresh Babu was handcuffed.'

"Then the question was asked, 'Is it a fact that Dhiresh Babu became unconscious and the glasses were broken?' The answer was : 'His spectacles were broken, but he was not rendered unconscious.'

"Then some further questions were asked. The Home Member was asked : 'What was the nature of the provocation?' The answer was : 'I am not in a position to give details.'"

### Flogging.

Flogging is permitted by the jail rules. We have the statements of prisoners who have been flogged on the triangle or on a wooden cross. The Government, in answer to questions in the Legislature, admits flogging, but maintains that it is permitted by jail rules, and is necessary for jail discipline, and that there is no difference between criminal and political prisoners.

The Hon. Mr. Gidney, Finance Member of the North-West Frontier Province, expressed surprise that any distinction was sought to be made. He said :

"I am afraid sometimes I myself am unable to understand this distinction that is drawn between political prisoners and non-political prisoners."

Flogging is looked upon as a reprehensible practice in India, not merely because of its harshness and inhumanity; it is regarded, especially by the Pathans, as degrading. Khan Habibulla Khan, M.L.C., expressed the Indian view when he said :

"The Hon. the Finance Member has said that sometimes it is deemed necessary to whip prisoners, but . . . political prisoners should be excluded from this punishment, as flogging is a relic of the age of barbarism. Hon. Members on the Treasury benches can easily say that they are whipped because there is no other remedy for them. But I should submit that it is far more honourable for a self-respecting Pathan to be shot dead than to receive lashes on his naked body."

### **No Trial.**

It is alleged that in many cases the punishment is given without inquiry. Whether this be the case or not, even as provided by the jail manual, flogging is ordered without a judicial trial, without a chance for the prisoner to defend himself.

### **Complaints.**

The following account, which we received after our return from India, throws light on the lot of prisoners who dare to complain.

An Associated Press message of the 16th February, 1933, from Allahabad stated :

"Mr. Ram Bharosey, a Congressman, is being tried under Sections 45 and 52 of the Prisons Act before the Sub-Divisional Magistrate, Rae Bareli.

"The complaint against the accused, filed by Mr. Benarsidas, Superintendent of the Rae Bareli Jail, alleged that Ram Bharosey, a political prisoner, took every opportunity of complaining against the jail administration to Mr. Amrit Rai, a non-official visitor, the District Judge and others, whenever they visited the jail. The accused, along with some fifteen others, made serious allegations to Miss Wilkinson, of The India League Delegation, regarding alleged ill-treatment meted out to political prisoners in the Rae Bareli Jail,\* when she visited the gaol in October last. Her visit was followed by an official inquiry, conducted by the Deputy Commissioner, when all the sixteen complainants were separately examined. The inquiry lasted for seven days.

"The Counsel for the accused applied for an adjournment to enable him to move the Chief Court, Lucknow, to transfer the case from Rae Bareli, and for an open trial."

We do not know what the outcome of this case has been, but from the nature of the charges preferred it appears that for the prisoner to make complaints to non-official visitors, provided for under the law, is an offence.

The prisoner, whom we met in Rae Bareli, stated in

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\* This is reputed to be one of the worst jails in India, in the matter of ill-treatment of political prisoners.



the presence of the Deputy Commissioner and the Superintendent that he had been beaten and had to be taken to the hospital in consequence. The hospital records showed that he had been admitted for treatment on the day stated by him for injuries to the thigh.

At the same jail we met a boy about eight or nine years of age also undergoing Rigorous Imprisonment.

### **Hygienic Conditions, and Medical Aid.**

We have already referred to the condition of prison food. A large number of prisoners come out of jail with chronic ailments of different kinds. The hygienic conditions in the jails are lamentably bad. Day lavatories are in close proximity to barracks and kitchens, the night ones are inside the cells.

For Indian prisoners, the bedding, which is a coir mat, must last five years. It is often used by more than one person during that period. Prisoners sleep on it without any sheets or mats on top and with the mud floor beneath, and its hygienic condition can be left to the imagination. One towel in nine months, scarcity of washing water and clothes render prison hygiene deplorable indeed.

### **Medical Aid.**

The Prison Superintendent is usually a medical man, and this fact is always cited as a conclusive answer to all charges of insanitary conditions, or absence of medical aid. But medical assistance is very meagre\*; ex-prisoners used to tell us that there are only two medicines in prison, tincture of iodine and castor oil, and while it may not express accurately the conditions of the prison medicine chest, it is broadly true, as far as we could gather from the experience of prisoners.

We have statements concerning a large number of prisons and the conditions and treatment therein. These statements, where not taken by ourselves, have been made before responsible public men, accustomed to the sifting of evidence.† Some of the well-known cases have appeared

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\* Even in some of the important jails, there is no surgical aid. There have been cases where prison authorities refuse to send prisoners to the civil hospital for surgical cases, and at the same time do not provide it in prison.

† e.g., The U.P. Unofficial Committee.

in the press. In the conditions in which the press functions, the allegations published would have rendered the Editor liable to prosecution if the Government wished to take action and had a case. The Government have taken no action for the publication of instances like those cited by Mr. Neogy, which appeared in the newspapers.

### **European Opinion and Prisoners.**

Mr. Neogy also alleged that the Government of Bengal is under a system of dictatorship of the European Association and the Royalists, and quoted passages from the report of the Calcutta Branch of the European Association for the month ending 15th March, which said :

“Reference was made in the last month's report to the question of the behaviour of political prisoners in Dum Dum Jail. In response to the Committee's representations, the Government promised that strict discipline should be maintained, but the Committee has since been informed that there has been no improvement in the state of affairs. The Committee have arranged to approach the Honourable Member in charge of Jails personally, and if no satisfaction can be obtained in this way, the matter will be pressed on Government with the utmost urgency.”

## CHAPTER XV.

### THE PRESS.

"The provisions of Section 4\* are very comprehensive, and its language is as wide as human ingenuity could make it. Indeed, it appears to me to embrace the whole range of varying degrees of assurance from certainty on the one side to the very limits of impossibility on the other.

"It is difficult to see to what lengths the operation of this section might not plausibly be extended by an ingenious mind. They would certainly extend to writings that may even command approval.

"An attack on that degraded section of the public which lives in the misery and shame of others would come within this wide-spread net: the praise of a class might not be free from risk. Much that is regarded as standard literature might undoubtedly be caught."

(*Sir Lawrence Jenkins, in a famous press case judgment in the Calcutta High Court.—Indian Law Reports, 41, Calcutta.*)

"The European-owned newspapers represent, on the whole, the point of view of the administration, whilst the bulk of Indian-owned papers, whether in English or in the vernaculars, stand for various degrees of nationalist opposition, varying from insistent demands for further reforms for India to full-blooded advocacy of complete independence of the British connection."

(*Simon Report, Vol. I.*)

#### (I.) HISTORY: 1780 TO 1932.

THE newspaper press in India is a comparatively modern institution. It appears that the first English newspaper was published in India by an Englishman in January, 1780, in Calcutta. The progress of journalism in the eighteenth and nineteenth centuries was not wide-spread or rapid, nor did the newspapers have the opportunity for development.

The first newspapers were all British concerns. The first of them, *The Bengal Gazette*, had a short life of two years, and it appears that its chief feature was scandal. Other papers followed, especially in Bengal, and one of

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\* The section referred to here originally appeared in the Press Act of 1910, and the comments of Sir Lawrence Jenkins refer to it. The same section was enacted in the Act of 1931, and in the Act of 1932, several more and stringent clauses were added to it.

these, the *Calcutta Gazette*, started in February, 1784, with the avowed support of the Bengal administration, flourishes still as the official gazette of the present Bengal Government. The early British papers also appear to have been organs of extreme Tory opinion, and the last survivor of this tradition is the *Englishman* of Calcutta. The authorities, however, were very rigorous in their control of the press, and even the mildest criticism of their servants was disapproved. Several editors were deported without trial, while others had to apologise. An official censor was appointed, by the Marquess of Wellesley,\* whose duty it was to pass all matter for publication and enforce the stringent rules that he promulgated. The penalty for press offences was deportation. These rules were relaxed in 1818, when the Marquess of Hastings abolished the press censorship. The change, we are told, led to men of a more self-respecting and able type, being attracted to journalism, which till then was considered a "low" profession.†

Lord Hastings' comparatively progressive measure preceded the birth of the first Indian newspaper, which was published in 1822.‡ During the Mutiny the Gagging Act virtually suppressed the press, and it was restored to comparative freedom after changes that followed the transfer of India from the merchants to the Crown in 1858. At this time there were 19 Anglo-Indian and 25 Indian newspapers in India.

## (II.) THE PRESS LAWS.

The laws that regulate the control and conduct of the press in India to-day are chiefly:

1. The Press and Registration of Books Act (XXV. of 1867).

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\* The Earl of Mornington, created Marquess of Wellesley in 1799, was the Governor of the Province of Fort William (Bengal) from 1798.

† The historical facts are taken from the summary in the *Indian Year Book*, published by the *Times of India* (Anglo-Indian). We have included them in this chapter both as a matter of interest and for purposes of comparison with some of the present day conditions, and because it may serve as a reminder of the consequences of stifling the press by Government authority. It would also appear that the official dislike of criticism and the attitude and policy towards critics remain much the same as a hundred years or more ago. To-day, however, the critics are Indians.

‡ The *Bombay Samachar*, which still exists.

2. The Press Emergency Powers Act, 1931 (as amended).\*
3. Sedition sections of the Penal Code, 124a, 153a, etc.
4. Sections of the Criminal Law Amendment Act.
5. Sections of the Criminal Procedure Code.
6. Sections of the Post Office Act.
7. Special Powers.

### 1835 to 1921.

Before 1835 all printing of books and papers was subject to a licence by the Governor-General in Council. Act XI. of 1835 repealed the old regulations and provided for the registration of the printer. In 1867 the Book and Press Registration Act was passed. This law still partly governs and controls printing and publication in India. In 1878 the "Vernacular Press Act," which imposed restrictions on the press, was passed. The Act was repealed in 1882 by Lord Ripon, who holds the reputation of having been one of the most enlightened Viceroys of India. Punitive and coercive legislation was renewed in 1908, when the Newspaper (Incitement to Offences) Act was passed. It was followed in 1910 by an Act of unprecedented severity, the Indian Press Act. This imposed (1) control over printing presses, (2) over printers and publishers, (3) over the importation and transmission of objectionable matter, and (4) seizure and confiscation of objectionable publications of all kinds, including newspapers and documents.

This Act placed the Press at the mercy of the Executive and enabled the latter to stifle its conduct; to demand heavy securities which could be forfeited at will; and to confiscate printing machinery. It also provided for an appeal to the Courts, but the High Courts were powerless, as was proved in several instances, notably in Mrs. Besant's case. In the first two years over 200 prosecutions were launched and every Indian editor functioned at his own peril. In a notable Press Act trial the Judge, Sir Lawrence Jenkins, remarked that the function of the courts was limited to "considering whether the applicant had discharged the *almost hopeless task* of establishing that his pamphlet does not contain words which fall within the *all-comprehensive provisions of the Act.*" (Italics ours.)

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\* Amended and made more drastic by Ordinances in January and June, 1932, and later by the Ordinance Act, 1932, the present law.

## 1921 to 1931.

After the declaration of a new policy on August 20, 1917, and the subsequent visit of Mr. Montagu to India, the Government of India began to yield to the insistent pressure of the agitation for a repeal of the Act. Consultations with the Local Governments took four years. Finally, in February, 1921, the new Legislative Assembly\* debated the matter and the Government appointed a Committee. That Committee unanimously recommended in July, 1921, that :

- (1) The Press Act (1910) should be repealed.
- (2) The Newspaper (Incitement to Offences) Act (1908) should be repealed.
- (3) The Press and Registration of Books Act and the Post Office Act should be amended.†

These recommendations were embodied in "The Press Law Repeal and Amendment Act, 1922."

The comparative freedom of the press lasted for eight years. In 1930 the Government of Lord Irwin resumed the old powers by Ordinance.‡ The Indian Press Emergency Powers Act was then rushed through the Legislatures and received the assent of the Governor-General on the 9th October, 1931 (Act XXIII. of 1931).§ This Act, the

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\* This was the first Assembly under the Montagu reforms. It consisted mainly of Liberals and Moderates; the Congress being engaged in the non-co-operation movement, which then included boycott of legislatures. The Committee was appointed when non-co-operation was in progress and Congress was campaigning in the country.

† The main terms of the amendment were :

- (a) The name of the Editor should be mentioned on every issue of a newspaper and he should be subject to the same civil and criminal liability as the printer and publisher.
- (b) Any person registering under the Books and Press Registration Act should be an adult.
- (c) Local Governments should retain power of confiscation of openly seditious leaflets, but the aggrieved person should have the power to challenge the Act before a High Court.
- (d) Customs and Postal officials should be empowered to seize seditious literature.
- (e) Orders of the local Government could only be challenged in a High Court.

‡ Lord Irwin's Government reimposed the Ordinance powers about two months after the lapse of the first Ordinance.

§ The Press Bill was introduced in the Legislature and enacted during the "Truce" period. It received the assent of the Governor-General when the Round-Table Conference was in progress and after Mr. Gandhi had accepted the Government's invitation to be present.

operation of which was extended and supplemented by the Emergency Powers Ordinances of January and June, 1932, has been further amended by Sections 14, 15 and 16 of the Criminal Law Amendment Act (popularly called the Ordinance Act), Act XXIII. of 1932, and is the law which mainly regulates and controls the Indian press to-day. The amending Act of 1932 (the Ordinance Act) has rendered the press law more drastic, extended its scope and armed the Executive with greater powers than even the Act of 1931.\*

### **The Act of 1931 (Summary).**

(1) It was an Act "to provide against the publication of matter inciting to or encouraging murder or violence."

(2) Its operation was limited to a period not exceeding one year.

(3) It regulates the control of (a) printing presses, including all machinery and "materials used for multiplying documents"† and parts of machinery, (b) newspapers, including any "periodical work containing public news or comments of public men," (c) "news sheets," meaning any document other than a newspaper containing public news or comment, (d) unauthorised newspapers, meaning newspapers for which there has not been time for valid declaration or for which required securities have not been paid, (e) "unauthorised news sheets" and "undeclared presses," which include news sheets published by persons not authorised under Section 15 of the Act. An "undeclared press" is one for which for the time being there is no valid declaration as required by Section 4 of the Book and Press Registration Act of 1867.

*Securities : Deposit and Refund.*—The magistrate,‡ before whom the "Keeper" of a printing press makes a "Declaration" as required by the Books and Press Registration Act

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\* In the summaries of the provisions of the Press Law we have indicated the additional powers that were taken by the Amending Act of 1932. The Press Law is no longer aimed against the publication of matter "inciting to or encouraging murder or violence" as in the Act of 1931, but is "for the better control of the press." (See p. 290).

† This includes duplicating and cyclostyle machines.

‡ The magistrate is part of the executive Government, and is in the majority of cases head or sub-head of a district, in charge of revenue, police and administration.

of 1867, may demand from such Keeper the deposit of a security. Such securities shall be refunded on application by the Keeper if no order for its forfeiture has in the meanwhile been made under Section 4 of the Act.

*Forfeiture.*—If any press is, in the opinion of the local Government,\* used for printing or publishing any newspaper, book or document containing “any words, signs or visible representations” which (a) incite to or encourage or tend† to encourage the commission of any offence of murder or other cognisable offence involving violence, (b) directly or indirectly express approval or admiration of such offence or of any real or fictitious person who is alleged or represented to have committed such, the local Government may, by notice in writing to the Keeper, declare whole or part of the security deposited, or, where no security is deposited, the press, etc., to be forfeited to His Majesty, and also confiscate all copies of the publication in question.

*Further Deposits and Forfeitures.*—When a declaration is made in respect of a press the security of which has been either in part or whole forfeited, the Keeper must deposit with the magistrate a security, the amount of which may be between Rs. 1,000 and Rs.10,000, according to the discretion of the magistrate.‡

If the press in question is, again in the opinion of the local Government, used for purposes as described in the paragraph relating to forfeiture (Section 4 (i) of the Act), the local Government may, by notice in writing, (a) confiscate the whole or part of the second security, (b) confiscate all copies of the offending publication, wherever found in British India.

*Security from Publisher.*§—Any Publisher of a newspaper who is required to make a declaration under Section 5 of

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\* “The opinion” of a local Government, the “discretion” of a magistrate, “a tendency to encourage” which again is not the commission of an act, is all that is required to render the penal sections operative.

† The italics are all ours. Note that the commission of offences, proof of them, or any process before a law court, is unnecessary.

‡ The maximum in this case is ten times the maximum required in the first declaration.

§ The effect of this requirement in respect of “publishers” and “keepers” separately is to impose a double security or penalty, as usually the “publisher” and the “keeper” are one and the same person, or at any rate representatives of the same concern.



the Act of 1867 may be asked by the magistrate to deposit a security. If the deposit has been required from any previous publisher of the newspaper, the amount of security demanded may be three times as large.

*Forfeiture and Deposit.*—Under Sections 8, 9 and 10 forfeiture, entire or partial, of securities already deposited, further impositions, and confiscations of publications may be effected as in the case of the Keeper.

*Penalties.*—The keeping of a printing press which is used for printing books or newspapers without making a deposit as required under Section 3 or 5 of the Press Act is penal. Similarly, publication of newspapers without deposit of security as required under Section 7 or 9 of the Press Act is penal.\*

A printing press for which a security is demanded shall not be used until such deposit is made, and, if so used, will be forfeited. The declaration made by a publisher who fails to deposit the required security within the stated interval of ten days is deemed annulled.

*Searches.*—A police officer, under a warrant issued by a magistrate, by direction of a local Government, may enter and search any premises where it is suspected that forfeited property or offending publications are kept or exhibited.

*Unauthorised News Sheets.*—Publications of news sheets require authorisation by an order in writing from the appropriate magistrate, and he may impose such conditions as he thinks fit; the order is also liable to be revoked at any time by the magistrate.

Any news sheet or newspaper not so authorised may be seized and a magistrate may authorise the issue of a warrant empowering a police officer to enter and search premises where such sheets or papers may reasonably be suspected to be, and seize any documents which are in his opinion unauthorised newspapers or sheets. Documents so seized shall be produced before the appropriate magistrate, who may cause them to be destroyed if they are unauthorised documents, or dispose of them according to certain sections of the Criminal Procedure Code, if they are not unauthorised documents.

If a magistrate suspects that unauthorised documents are being produced from an undeclared press (within the limits

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\*The authorities may dispense with security. No Anglo-Indian paper has been asked to deposit a security.

of his jurisdiction), he may issue a search warrant and the police officer may seize any press\* found in the place, which in his opinion is an undeclared press, and he may also seize any documents which he finds there and suspects to be unauthorised. The property shall be produced before the court which issued the warrant and, if it is an undeclared press or one used to produce unauthorised documents, may be forfeited; if in the opinion of the court they do not fall in this category they may be dispersed according to provisions of the Criminal Procedure Code.

The penalty for selling or distributing or publishing an unauthorised news sheet is six months imprisonment and/or fine. The offence and any abetment of the same are cognizable.

*Seizure of Documents (Books, etc.).*—If in the opinion of the local Government any newspaper, book or other document† is objectionable,‡ it may, by notification in the Gazette, declare every copy of the document forfeit to His Majesty, and any police officer may seize the same, wherever found in British India, and any magistrate may issue a search warrant to enter any suspected premises to seize copies.

The Chief Customs Officer, or other officer authorised by the local Government, may detain any package suspected to contain objectionable documents and forward all copies of them, if found, to the officers appointed by the local Government for the purpose. Post Office officials, and others authorised by the Postmaster General, have similar powers.

### **The Powers of the Courts.**

A Special Bench of the High Court (composed of three judges) shall hear all applications by keepers of presses, or any person who has an interest in the press, which they are entitled to make (Section 28), within two months of the date of the order of security or forfeiture, and the

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\* This need not be a printing press as ordinarily understood and includes cyclostyle or other duplicating machinery.

† "Document" includes any painting, drawing or photograph or other visible representation, and "book" includes every volume or part thereof, pamphlet, leaflet, sheet of music, map, chart or plan, printed or lithographed.

‡ As laid down in Section 4 (i) of the Act. The scope of this section has been very much extended by the Amending Act of 1932 (Act XXIII of 1932, Section 16). Section 4 (i) has been summarised on page 287 (Forfeitures).

Special Bench has power to set aside the order if it appears to it that the matter on which the order is based is not of the nature described in Section 4\* or that the press was not used for printing such matter.

No proceedings taken under the Act shall be called into question by any court except a High Court, and no civil or criminal proceedings, except as provided in the Act itself, shall be instituted against any person for doing anything in good faith intended to be done under the Act, but as against persons who are guilty of any act or omission which constitutes an offence under the Act, prosecution may be launched under any other law.

### **The Press Law in 1932.† (Present Law : Summary.)**

The Ordinances of 1932 (January 4th and June 30th) introduced more stringent provisions which have now been incorporated in the Criminal Law Amendment Act (Ordinance Act), XXIII. of 1932, Sections 14, 15 and 16. The scope of the Act is widened altogether, and to the categories of offences under Section 4 in the Act of 1931 a large number of new items are added. The more important of the additions and amendments are in regard to :

(1) *Purpose of the Act.*—The amendment states the purpose of the Act as “the better control of the press,” instead of prevention of the publication of “matter inciting to or encouraging murder or violence,” as in the Act of 1931.

(2) *Duration.*—The amendment extends the life of the Act of 1931 to three years (from a maximum of one year).

(3) *New Offences.*—New items of offences include publications which tend, directly or indirectly :

(a) To seduce officers, soldiers, sailors, airmen or police officers from allegiance to His Majesty.

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\* The High Court, in interpreting the law, is not concerned with the truth of the published matter, which is the subject of the action. (See page 303.)

† No separate Press Act was passed in 1932, but clauses in the “Ordinance Act” (XXIII. of 1932) and in the E.P.O. of January and June, 1932, amended the sections of the Press Act of 1931. This procedure of thus amending an Act, not itself under consideration, by another Act, was challenged by some lawyers in the Assembly. The Government of India adopted this procedure to modify other existing laws also. The Press Law as it is to-day is the severest ever enacted in India. It is more drastic than the Act of 1910, the severity of which was the subject of judicial comment and Indian hostility.

- (b) To bring into hatred or contempt His Majesty or the Government established by law in British India, or the administration of justice or any class or section of His Majesty's subjects, or excite disaffection towards His Majesty or the Government.\*
- (c) To intimidate.
- (d) To interfere with the administration or maintenance of law and order, payment of land revenue, rent of agricultural land,† or anything recoverable as arrears of rent or other items.
- (e) To induce public servants‡ to resign office or "to do any act or to forbear or delay any act connected with the exercise of his public functions."
- (f) To promote feelings of hatred between different classes of His Majesty's subjects.§
- (g) To prejudice recruiting for the police or army or training or administration.

### A Controlled Press.

It will be seen from a study of the law as we have summarised it here that the press in India functions on suffrage and that its freedom is severely curtailed.

It starts with the handicap of a security and a declaration before a magistrate; it lives in fear of forfeiture of such securities and confiscation, and the clauses under which it may be victimised are so wide in scope that no newspaper, whatever its politics, can be beyond their reach. Those which do not suffer penalties are the ones which the Executive either tolerates or encourages for reasons of its own.

By recent amendment the law no longer alone aims at rendering incitement to violence or murder penal, but

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\* This incorporates the essential parts of the sedition sections of the Indian Penal Code.

† It is the avowed intention of the Government to use the extraordinary powers, under the Ordinance Act, in the interests of the landlords against the tenants in an agrarian (economic) dispute. (Cf. Assembly Debates, Vol. VII., No. 4, pp. 2801 and 2802.)

‡ Includes servants of local authorities.

§ This is an offence under the Indian Penal Code also. Miss Kara, a Trade Union leader, was prosecuted under this class hatred section of the Penal Code for an alleged "class war" speech on May Day. The magistrate passed sentence which was quashed by Justice Nanavati of the Bombay High Court.

seeks to "control" the press. Freedom of the press in these circumstances cannot and does not obtain. A study of the clauses, let alone the practice in India, will show that the discretion of magistrate, police officers and the "Local Government"\* decides what the press may or may not do. The action of a magistrate in one part of India declaring a publication to be of an objectionable† character renders homes and premises in any part of British India open to search and property to seizure. The severity of this measure is admitted even by the spokesmen of the Government; and it is also admitted that even such papers as are regarded by the Government as well conducted and responsible, suffer. Speaking in the Assembly on the 21st April, 1932, Sir Harry Haig, the Home Member, said:

"I recognise, Sir, and the Government fully recognise that the provisions which it is necessary to impose giving Government control over the press, are irksome to responsible editors, and there are many such. I am well aware, Sir, of the difficulties that well conducted papers feel."‡

### Unfair Discrimination.

The Anglo-Indian (British-owned) press does not in fact suffer from any of these disabilities, however much it creates disaffection amongst His Majesty's Indian subjects, or between different classes of them, or brings the Government into contempt. When we were in India it was pointed out to us that an Anglo-Indian newspaper could print a report of a meeting or speech or publish a news item and comment with impunity, while its Indian rival could not, or only does so at its peril. Thus, the law appears to act as an instrument of commercial discrimination. At one stage the Government even considered penalising newspapers for publishing speeches in the Legislatures.§

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\* This usually means the police department—in effect.

† As under Section 4 of the Press Act of 1931, as amended by the provisions of the Ordinance Act, 1932. (See pages 287 and 290.)

‡ Sir Harry Haig went on to say that the effect of the operation of the Ordinance was to keep criticism, which he regarded as "trenchant and frank," within "reasonable bounds."

§ This caused acute controversy in the Assembly itself, until the Law Member gave his opinion in support of the privilege of the House. In Bengal, however, the danger still exists. (Cf. Speech of Mr. S. C. Sen, M.L.A., Assembly Debates, Vol. VII., No. 4, p. 2799.)

## A Code for Guidance.

What is "objectionable," where the bounds of "reasonable criticism" are overstepped, and what journal is "well conducted," are all dependent on official discretion. The Executive prosecutes, judges and punishes, and against its decision all processes of law, except an application to the High Court, are banned.\*

Local Governments have issued circulars and directions for the "guidance" of editors, as to what is likely to be liable to penal action. A circular issued by the Bombay Government† on the 11th January, 1932, may be quoted as a sample. In paragraph 5 it says:

"The following are instances of the class of matter the publication of which will be considered by the Government to require action under one or more provisions of the law quoted above\*:

- (1) Congress *propaganda*‡ of any kind, including messages from persons arrested.
- (2) Any messages issuing from or purporting to issue from persons confined in jail.
- (3) Any *immoderate*‡ criticism of Government or Government officials.
- (4) Any *exaggerated*‡ reports of *political*‡ events.
- (5) Any notices or advertisements of meetings, processions or other activities intended to promote civil disobedience.
- (6) Any photographs of persons taking part in Congress activities or of any incidents relating to such activities."

Paragraph 6 of the same circular says:

"The above illustrations are not exhaustive but are intended to give some guidance to those concerned as to the kind of matter which might expose them to penalties. At the same time, Government wish it to be understood that they have no wish to penalise occasional and unintentional inclusion of undesirable matter in a paper which is ordinarily well conducted."

Bengal apparently regards even greater restrictions necessary and we were informed in Calcutta§ that in the

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\* The majority of the victims of the Press Law are local vernacular papers which cannot afford the expense of an action in a High Court. The effect of the clause restricting judicial process to a High Court is to leave the victim without an appeal to law at all.

† Similar instructions have been issued in other provinces.

‡ The italics are ours. What is *propaganda*; what criticism is *immoderate*; reports *exaggerated*; and what events are *political*, depends on official discretion, and the very executive which is criticised decides these matters.

§ Our informants included responsible editors of long experience and proprietors of newspapers. The restrictions here mentioned do not exhaust those listed in the circular.

official circular issued for the "guidance" of newspapers they were asked

(1) To mutilate and restrict the length of reports and to refrain from printing news of a political character on important pages.

(2) To observe detailed instructions regarding types for headlines and body of news columns, and multi-columned headlines were similarly restricted in their use, while certain captions, such as "arrests of Moslems and Ladies," were not allowed.

### **The Government's View of the Indian Press.**

When the Press Ordinances were promulgated in 1930 and the period of comparative freedom for the Indian press (1922—1930) brought to an end, Lord Irwin\* issued a statement, in which he said :

"On various occasions since 1922 the evil effects of writings in the India press in promoting a spirit of revolution and stirring up extreme hatred of the Government established by law in British India, have been brought prominently to notice by certain local Governments. It has been recognised that the anticipations formed in 1922 have not been fulfilled, but that on the contrary the tone of a certain section of the press has been growing almost steadily worse with its immunity from effective control. The measure of the effectiveness of the Press Act has been shown very clearly by the remarkable accentuation since its repeal of those features which it was intended to check. Prosecutions are from time to time instituted in the worst cases, but it has always been recognised that these provide only a partial remedy and looked at broadly are ineffective to control the ceaseless output of extreme seditious and revolutionary propaganda."

"... The spirit of revolution fostered by the Civil Disobedience movement is beginning to emerge in dangerous forms. Nothing at the present moment is operating so powerfully to promote that spirit as the writings in the press, many inciting openly to violent and revolutionary action, others, by constant laudation of the Civil Disobedience movement, encouraging a spirit of lawlessness throughout the country."

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\* Lord Irwin almost invariably explained his acts to the Legislature and to the public. We do not assert that Lord Irwin's statement of "objects and reasons" explains the Government's position in this matter to-day. The amendments in relation to the Press Law, which no longer limit its aim to the prevention of incitement to murder and violence (at least in the letter of the Act) and extend it to "the control of the press," require a rather different statement of objects and reasons. We are, however, justified in quoting it here, since Mr. Haig (Sir Harry Haig), the Home Member, quoted it in the Assembly in his speech on the press amendments, on the Criminal Law Amendment Act.

### (III.) THE PRESS AND THE EXECUTIVE.

The summary of the provisions of the Press Law, which we have given, shows that the discretion of the Executive, the judgment of the executive officials of what is "moderate" or otherwise, what is "likely" to "incite," etc., is the decisive factor in the imposition of penalties or restrictions on the press. It becomes, therefore, important to discover, as best we can, the views of the Executive on these points and how and when, in practice, the powers under the Press Law are called into operation. It is obvious that the basis of a policy where the element of "official discretion" is the principal factor, cannot be ascertained from sections of Statutes or Regulations. We have therefore sought for our information in other directions,\* namely :

- (1) The statements of officials.
- (2) The judgments delivered by High Courts in Press Law cases.
- (3) The experience of newspapers. (The Law in operation.)

#### **The Official Attitude.**

Official statements and acts give some indication of the official attitude towards the press and its comments and also provide samples of what officialdom considers as dangerous and objectionable to the degree of rendering the extraordinary powers over the press necessary. Public† official criticism is confined to the Indian press; the British-owned press being more or less the exponent and champion of official views.‡ The extent of toleration of criticism may vary from province to province, but from the instances that came under our notice, the large scale press prosecutions and imposition of penalties, and the judicial comments in important cases, it is clear that the Indian press runs the risk of prosecution even when its criticism is on the *working*

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\* Each of the three subheadings which we have given here is discussed in the context of ascertained facts in this and the two succeeding sections.

† Private views of officials, it may be stated, do not conform to their public policy so far as some of the writings in the Anglo-Indian papers, at times, are concerned.

‡ Cf. Simon Report, vol. I.



of the laws and not an attack on *policy*, and is an appeal to the Government to see that Ordinances are reasonably administered.

The *Indian Daily Mail*, a paper of moderate views, was brought under heavy security, against which it appealed in the High Court of Bombay. In the opinion of the judges the articles complained of did not reveal any tendency to criticise the policy of the Government of India in promulgating Ordinances or even their legitimate operation. It asserted that there was deliberate abuse of these powers by the Local Government, and it appealed to the Governor of Bombay to set things right. In the view of the Bombay Government that sort of writing merited suppression under the law as it stands.\* The Courts have to apply the "law as they find it." The *Indian Daily Mail* lost the appeal and closed down. Apart from the legal and judicial aspects of the case, with which we deal elsewhere, it is a clear indication of the bounds of *moderate criticism as the Government envisages such*.†

A statement of Sir Harry Haig, the Home Member to the Government of India, in the Assembly may be quoted as a significant example of the official attitude to the Indian press. Mr. Haig, as he then was, quoted the following passage from an Indian newspaper, the name of which he does not give, but characterises it as "a very ably conducted paper":

"When a political emergency becomes a normal state of affairs, the time is definitely past for dealing with it either by executive decrees or by legislative enactments. The question, then, is one of ameliorative and conciliatory statesmanship."

Mr. Haig proceeded to comment on this. He said:

"It is a very fine and well-rounded phrase. But in my own blunter language, I should be inclined to interpret it as capitulation to the Congress. If I may paraphrase the argument it comes to this, that if an illegal movement continues for more than a certain period, the Government must give in to it."‡

Mr. Haig himself refers to the paper as ably conducted; the sentiments expressed are such as one would expect to see in the columns of the most responsible journals in this country. There is nothing of vituperation in the language

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\* The case is discussed in detail in the next section of this chapter.

† See Bombay Government's circular quoted in previous section.

‡ Assembly Debates, Vol. V., No. 2, p. 1128.

employed, there is admittedly no exaggeration or overstatement of any fact, and the tendency of the argument is a plea for peaceful effort and conciliation. The example serves to throw some light on the relation of the press and public opinion and the Government of India.

What the Government regards as violent writing necessitating the drastic amendments to the Press Acts is indicated by some of the instances quoted by a Government spokesman in the Legislature during the debate on the Ordinance Bill. The instances are part of the Government brief in the arguments for the Ordinance Act and must be therefore regarded as samples of licence and abuse as officials view them.

Mr. Macqueen, I.C.S., a Madras official, was the official spokesman on the press clauses in the Ordinance Bill debate. He prefaced his remarks by saying that as "an Englishman I dislike press legislation strongly," but as "a practical man" he advocated it. Some of the objectionable passages taken from the vernacular press\* and quoted are:

"Why should Lord Irwin cause the Lahore heroes to climb the gallows and plunge the country in such a state of fury without showing any mercy to them?"†

Another statement quoted ran:

"The demon of authority is now making its dance of death in our country in the most wonderful and horrid manner. . . . Truth has no place.‡ . . . As for the authorities, they make no distinction

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\* Indian members raised the point whether the translations which were being supplied to the Assembly were Government translations. What appears in Indian vernacular picturesque word-paintings may appear in a different light in an official English translation.

† The reference is to the men who were hanged in connection with the Lahore Conspiracy Trial. In this case Mr. Gandhi, whose adherence to non-violence is not questioned even by his enemies, pleaded with Lord Irwin for mercy. The appeal of the paper is for mercy, a clear indication that it is not an attempt to justify the terrorist tactics for which the Lahore men were hanged. Even those who entirely disagree with violence and terrorism and denounce it in private conversation and public utterances, and believe that these young men are wrong, do not doubt their bravery. This attitude is not confined to Congressmen or politicians. All over India Bhagat Singh is regarded as a hero and a bold patriot, even by those who disapprove of him.

‡ We have quoted the passage as it appears in the Assembly Report. It is difficult to say whether the left out words would make any difference to the meaning of the paragraph. "Truth has no place" is a statement which was supported by the High Court judgment in the *Indian Daily Mail* case so far as the operation of the Press Ordinance was concerned. The rest of the paragraph is a mere recital of facts.

between young or old, man or woman, literate or illiterate, and their business is to humiliate innocent people, calling them foul names and beating them with lathis, and to open fire and kill them."

Another reads :

"No civilised government will adopt a policy of cruel treatment towards persons after they are put in prison, however grave their offences might have been. But such moral principles will not affect our Government. . . . Though Mr. Lehari Choudry's adjournment motion in the Legislative Assembly in connection with this matter was finally withdrawn, it abundantly reveals the cruel mentality of the Government towards political prisoners."

Another comment quoted refers to agrarian agitation :

"Ryots must take a vow to fight even unto death unless the enhanced settlement rates are withdrawn.\* They must carry out the constructive programme laid down by the Congress, organise ryots associations, acquire national spirit and strength and be prepared to try to withhold the payment of the enhanced rates imposed by the Government."

We have quoted the Government's sample of violent and vituperative writing which calls for control by the Ordinances. It is arguable that the journals concerned could have used more restrained language and yet stated their case. But that is not the present issue. Journalism of this type is among the worst examples of the "licence" of the vernacular press which were quoted in the Government case for control. In none of the instances is there an incitement to violence. Our purpose in quoting them is to show what officials expect of journals and what in their estimation is vituperation which tends to lead to trouble.

### **Government cites Italy and Japan.**

In defence of its policy the official side stated that other countries had similar laws. In developing this argument,

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\*The right to resort to direct action in an agrarian dispute was conceded in the Irwin-Gandhi agreement. The incitement in the paragraph is not to take part in a no-tax campaign, but to withhold the enhanced rates and to concentrate on organisation of the constructive programme. In reply to Mr. Macqueen, Raja Bahadur G. Krishnamachari pointed out that in Madras province peasants had to embark on an agitation and withhold the payment of the enhanced tax before the Government appointed a Committee to inquire into their grievances. The Committee, he stated, in spite of the efforts of the settlement officer, was obliged to report that the peasants were unable to pay the enhanced rates. He also quoted the instance of Bardoli, where again a committee found the revenue official in the wrong and the peasants in the right—after prolonged agitation. (Assembly Debates, Vol. VII., No. 4, p. 2808.)

Mr. Macqueen said :

*" With the exception of England, every country of any importance in the world has a press law. In Italy, for example, . . . the press law practically hands over the control to the Prefect of the Province, who is analogous to the Collector or Deputy Commissioner of an Indian district. Without his permission no newspaper can start publication. He can issue a formal warning,\* and if this formal warning is ignored on more than two occasions he can suppress the paper altogether. . . . Or take the other great Asiatic countries. In China the press is subject to a rigid and unblushing censorship controlled by the police. What do they do in Japan? In Japan every newspaper is bound to furnish security. . . ."*  
(Italics ours.)

We do not wish to pursue the substance of this comparison with other countries. The official version of what obtains in China or Japan may be true. The Government of India, however, states plainly that in India they are not looking to accepted British traditions of freedom and justice, but to Mussolini's Italy, to China under the War Lords, and to the Japan of the Militarists. Two of these are instances of countries where every movement for freedom of any kind is notoriously suppressed. In the other, there has been in recent times a state of civil war or aggression by a neighbour and conditions must therefore approximate to martial law or worse.†

The reasons adduced by the Government for the further drastic amendment of the Press Law, which in effect enables the operation of the law of sedition and other sections of the Criminal Law of the country, by executive fiat with an appeal only to a High Court, which appeal, again, is ineffective as the power of the Court is limited, are :

(1) A press determined to stir up hatred and contempt must be controlled.

(2) Prosecutions of editors and publishers for sedition is ineffective because the proceedings are prolonged, and the man against whom such proceedings are taken often proved to be a man of straw.

(3) If the country will settle down to a new Constitution and work it in a constitutional way these powers will not be required.

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\* No formal warning is required in India. A plea to include a provision for it in the law was made by the Opposition when the Bill was debated, but not accepted.

† Martial law in the sense of military government or administration of occupied areas or war zones.

The Government's object in enacting the legislation was described by Mr. Haig as

"doing what we really consider necessary in order to check most dangerous incitements to violence, revolution and disobedience of the law and all kinds of feeling of hatred and contempt of the Government."

The first part of this assertion is hardly substantiated from the Government's own cited instances of objectionable journalism, while the second—to institute control of the press accompanied by severe penalties to "check . . . all kinds of feelings of hatred and contempt of the Government," appears on the face of it incompatible with any kind of freedom of opinion. It is needless to add that feelings towards Governments are neither checked nor changed by the forceful suppression of their expression.

#### (IV.) THE PRESS AND THE COURTS.

Section 30 of the Indian Press Emergency Powers Act, 1931, bars the jurisdiction of every Court, except a High Court as provided in Section 23 of the Act, in matters of forfeitures\* under the Act. It further indemnifies, *in advance*, "any person" for anything done in good faith intended to be done under the Act. No civil or criminal proceeding may be taken against such person or persons.† Sections 23 to 27, which permit an application by a keeper, publisher, or other party interested in a printing press which has been dealt with under the forfeiture of security sections of the Act, provides for such application to be made to a special court of three judges or, where a High Court consists of less than three judges, of all the judges. The Bench has the power to set aside the forfeiture or security if it is satisfied that the publication did not contain "words, signs or visible representations of the nature described in Section 4.(1)."<‡

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\* A declaration of forfeiture made by the magistrate, an executive official, is conclusive evidence that the forfeiture has taken place.

† This places the Executive and its officials outside the reach of the law and is in direct conflict with the fundamental principle of British law of equality of all citizens, officials or otherwise, before the law.

‡ Section 4 is summarised on p. 287. See also p. 290.

The limiting of an application to a High Court at once makes it useless for the majority of newspapers who cannot afford the expense. The function even of the High Court is further limited by the terms of the Press Act itself, so that an application before a *judicial* tribunal does not, in fact, improve the position of the press, or pressmen, who have fallen victims to the Act.

The most notable case under the Press Law in recent times is the *Indian Daily Mail* case, which was heard by a special bench of the Bombay High Court.

### The "Indian Daily Mail" Case.

On the 11th March, 1932, two orders were passed under Section 3 (3) and 7 (3)\* of the Press Act, calling upon the keeper of the *Indian Daily Mail* press and the publisher of the *Indian Daily Mail* to deposit a security of 3,000 rupees, the maximum amount permitted by the Act.

The *Indian Daily Mail* was a daily paper published in Bombay and its politics were of the moderate Liberal school. It was not a Congress paper in any sense. Mr. Pothan Joseph, the editor of the paper, was both "the publisher" of the paper and the "keeper" of the press. In effect he was therefore called on to pay a double security. Mr. Joseph filed an application under Section 23 of the Press Emergency Powers Act, and it came before a special bench of three judges, the Chief Justice, Mr. Justice Mirza and Mr. Justice Murphy, two British and one Indian. In delivering judgment the Chief Justice considered:

- (1) The meaning and trend of the articles referred to.
- (2) The sections under which notices were served. (Nature of offence.)
- (3) The nature of the Ordinances (not the Press Ordinance alone).
- (4) The issue before the Court and its functions.
- (5) Grounds of dismissal of the appeal.

**The Nature of the Offence.**—In the articles complained of there is admittedly no incitement to or encouragement of violence or murder, which, under Section 4 of the Act,

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\* The wording of the sections are almost identical; one refers to the Keeper and the other to the Publisher, who may be called on to pay security which may range from Rs. 500 to Rs. 3,000, whenever it appears that the press is being used and/or the newspaper is publishing matter defined as objectionable under Section 4 of the Act.

constitute an offence. The Chief Justice pointed out that the amending Ordinances of January 4, 1932 (Emergency Powers Ordinance), further amended in February, 1932,\* added to the items which constituted an offence, that which tends directly or indirectly to bring into hatred or contempt the Government established by law in British India, the administration of justice in British India, or tends to excite disaffection against the Government.

With regard to the articles complained of, the Judge said:

"I think the effect of the first article really comes to this: that the Government have said that the Ordinances would be administered reasonably; they are in fact being applied ruthlessly and with complete indifference and to the complete insecurity of the law abiding people; that excessive sentences are being passed, and the way in which particular individuals are being picked out and punished and the unanimity of the magistrates in inflicting heavy sentences show that the magistrates are working in consultation and co-operation with the Executive and that they have lost their power of deciding each case judicially on its merits."†

In the opinion of the Court, the articles (the one referred to above and the second which was the subject of the proceedings):

- (1) Indicated a settled policy of vindictiveness.
- (2) Referred to an abuse of powers.
- (3) Appealed to the Government to put an end to abuse and thus to give effect to its declared assurances.
- (4) Alleged interferences with the liberties of the press.
- (5) Did not criticise the Government for formulating Ordinances or putting them to legitimate use.
- (6) Stated that the local Government had deliberately abused and misused the powers.

*The Ordinances.*—The Chief Justice considered that the articles should be considered in the light of the position under the various Ordinances the working of which the articles criticised. The Judge quoted various sections of the Ordinances, such as those referring to arrest and control of persons on suspicion, the procedure of the special tribunals and the restriction of the right of appeal. He finally referred to Section 52, which bars ordinary judicial process in Ordinance cases, and Section 59, which

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\* See chapter on Ordinances.

† Extract from judgment as reported in the press.

indemnifies any person acting under the Ordinances. His comment on the situation under the Ordinances was :

"So that it really comes to this: that there is no check on the Government as to the persons they may regard as suspects, that orders may be passed affecting drastically the conduct of such persons, that heavy punishment may be imposed for the breach of any such order and that the right of appeal or application and revisions which can be normally enjoyed by such persons is very largely curtailed."

*The Issues before the Court.*—In the opinion of the Chief Justice the question which the Court had to decide was whether the articles tended "to bring Government into hatred and contempt." There was no evidence as to the facts alleged in the article.

"The Advocate-General had argued the case on the basis that truth is immaterial. I think his contention is right. There is no exception in Section 4\* of the Press Act as amended by the Ordinances making truth of public policy an answer to a charge under the section. . . . (Italics ours.)

"The effect of the Ordinances seems to me to be to bring within Section 4 of the Press Act every charge of misconduct of Government, whether such charge is well founded or not."

The Judge found that the articles must tend to cause hatred or contempt of Government in the minds of those who read their assertions. They further tended to bring into contempt the administration of justice under the Ordinances, since procedure and tribunals created or regulated by the Ordinances were part of the administration of justice.

The appeal was dismissed. The two other judges concurred in the Chief Justice's judgment. Costs were not awarded against the *Indian Daily Mail*.†

Two other cases which came before the Courts in other parts of India also serve to throw light on (1) the judicial view of executive acts, (2) on what constitutes an offence under the Press Ordinances, and (3) to what extent the courts can offer protection against the Ordinances.

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\* Reference was made to an exception which is provided in Section 499 of the Indian Penal Code, by the learned judge, to indicate that the intention of the law was not that the Courts should act as though such an exception had been made.

† This refusal to award costs is regarded as an indication that while the requirements of the law as it stands made for a decision against the *Indian Daily Mail*, the Court did not consider that the Government case called for costs against the paper.



## **The Janasakti Case.**

The Government of Assam demanded Rs. 1,000 as security from Bidhuranjan Chakravarthi, publisher of a Bengali weekly paper called *Janasakti*, for publishing, in its issue of the 17th February, 1932, an account of alleged ill-treatment of Civil Disobedience resisters by nine policemen on the 10th February, 1932. Mr. Chakravarthi's case was that he only published a news item in the *bona fide* belief of its veracity and without desire to exaggerate. The Government contended that the account was false. The section on which the Government case was based was that the publication in question tended "directly or indirectly to bring into hatred the Government established by law in British India or the administration of justice in British India, or to promote feelings of hatred between different classes of His Majesty's subjects."

Mr. Justice Panckridge held that there was no suggestion that the incidents were part of a deliberate policy of repression and that there was no comment of any sort. He held, therefore, that the first two items of the section did not apply. With regard to the third, the Judge held that it was not possible to hold that nine policemen constituted a class of His Majesty's subjects. The Court set aside the order of the Assam Government.

This case throws into relief the precarious freedom which the press enjoys; it shows what the Executive considers to be objectionable, and indicates that any comment on the facts or on the policy of the Government would have rendered the petitioner liable before the Court.\*

## **Courts Again Powerless.**

The *Ananda Bazar Patrika* filed an application in the High Court of Bengal (Calcutta) against the demand for security in regard to an article on unemployment among the masses, to which the Bengal Government took exception under Section 4 (i) of the Press Act (1930), as amended by Section 63 of the Emergency Powers Ordinance, 1932.

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\* This decision should not be taken to mean that thereafter publication of news items was not risky or was freely permitted. The Executive retained its powers, which it used at discretion, and if an application was made by the aggrieved press it could take its chance. But, as pointed out, the margin of escape is narrow, and those who can afford to appeal to the High Courts are a minority

The defence was that the criticism was legitimate comment on a matter of public importance and that its publication was part of the normal duties of a newspaper.

The Court was of the opinion that the

"objectionable passages did not in the original Bengali form part of one whole paragraph; they are in fact a series of sentences taken out of their setting and worked up in such a way that they all connected with each other." (Italics ours.)

But Mr. Justice Gosh, with whom Mr. Justice Costello agreed, stated that the

"jurisdiction of the Court under Section 23 of the Press Act is of an extremely limited character" and that he was "not concerned with the intentions of the writer."

The Court was concerned only with whether the words tended to bring Government into hatred and contempt.

"The provisions of the Press Act may or may not have the effect of restricting the just liberties of the press or of checking fair criticism of the Administration." Continuing, Mr. Justice Gosh said: "I am free to admit that if it were open to me to take into consideration the intention of the writer and to come to a conclusion one way or another," as would be the case in a prosecution under Section 124 A Indian Penal Code,\* "I should have great difficulty in finding the writer guilty, but the position here is different."

It may also be stated here that the comments of the *Ananda Bazar Patrika* had nothing to do with the Civil Disobedience movement. They were not even remotely connected with it, and it was not an incitement to disorder or violence.

#### (V.) THE PRESS LAW IN OPERATION.

We have pointed out that the Press Emergency Powers Act (1931) was introduced in the Legislature and enacted† during the period of the Irwin-Gandhi Truce. While its provisions are stringent and it places the press at the mercy of the Executive, its ostensible aim was to prevent incitement to and encouragement of murder and violence. Whether the gagging of the organs of public opinion is the best way of achieving this end is debatable; whether the

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\* Section 124 A is the sedition section of the Indian Penal Code. The Press Law is harsher and less amenable to judicial justice than even the sedition section of the Indian Penal Code.

† Received the assent of the Governor-General on the 9th October, 1931.

enactment of the Press Ordinance which obtained in the days of conflict as law during the Truce was in keeping with the spirit of that agreement may also be questioned. The Government reply to either of these questions would be that murder and violence must at all times be prevented, and in any event it was not aimed at the party with whom the Truce was negotiated. The net result of the enactment, however, was that the press was put back to its position of suppression as in 1910-1922.

### **Official Figures.**

The Emergency Powers Ordinance was promulgated on the morning of January 4th, 1932. On that very day security was demanded from newspapers. The latest figures of action taken under the Press Law are those that were given by Sir Samuel Hoare in the House of Commons on the 4th July, 1932. It was stated that such action had been taken against 109 journals and 98 printing presses in India.\* It was stated in the Bengal Legislature, on the 11th August, that between January and July, 1932, the number of actions against newspapers under the Press Ordinances was 34 ; also 38 newspapers and presses had been warned.

### **Publication of Photographs.**

The printing of photographs of leaders like Mahatma Gandhi or Pundit Nehru was declared an offence in several Provinces, and action was taken against newspapers in consequence. A press notification issued by the Government of Madras on the 11th February, 1932, said :

"The attention of the Government has been drawn to several instances of publications in newspapers of portraits of well-known leaders of the Civil Disobedience movement.

"The publication of such pictures tends to encourage the movement and is likely, therefore, to fall under clause f, sub-section 1., Section 4 of the Indian Press Emergency Powers Act, 1931, as amended by the Emergency Powers Ordinance, 1932.

"The Government wish it to be clearly understood that in future they would be constrained to consider the necessity of demanding security under the Act in respect of printing and publication of such portraits."

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\* This does not refer to prosecutions, but to the levying and forfeiture of securities and confiscations.

On the 19th March, 1932, the Home Member of the Madras Government, while denying\* that any order had been issued to the police to seize photos of national leaders from individual business places, stated that such pictures and portraits should be considered to come under the provision of the Emergency Powers Ordinance, and the police had been empowered to seize them as Unauthorised News Sheets.† He also added that certain magistrates had been empowered to order the destruction of such portraits.

The publication of photographs brought many papers into trouble all over India. Warnings were issued by District Magistrates, as in the case of the *Sinhapuri*, the *Jamindari Ryot*, the *Swatantra Ryot* and the *Hindu Bandhir*, which were all warned in February, 1932, not to print portraits of Congress leaders.

In Karachi the *Sansar Samachar*, a vernacular daily, was warned for publishing photographs of Mr. Gandhi and Pundit Jawaharlal Nehru in its Annual Number.

### Publication of News.

The publication of news is similarly perilous for a newspaper. Apart from the danger to the correspondent of arrest, the papers themselves are liable to be warned and called upon to pay or forfeit securities. News is often alleged to be false; and no proof of such falsity or exaggeration‡ is required. The interference of the executive is not confined to items of news gathered by reporters, the veracity of which may not be beyond dispute, but to news proceeding from official and judicial sources. In Bengal, quite definitely, proceedings of the Legislature come under ban or may be published only at peril, if the speeches contain attacks on the Government or other items to which the local Government or a District Magistrate

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\* Photographs of national leaders were in fact seized by the police and destroyed or taken away from business places and shops and people intimidated for being in possession of them.

† Apparently under Sections 16 and 17 of the Indian Press Emergency Powers Act, 1931.

‡ We are not arguing that the items of news in question were either accurate or otherwise. Indeed, the law courts have decided that the truth of the comment or publication is immaterial. The Executive decides what is false or exaggerated and has no obligation to prove or even to state a charge.

takes objection. Mr. S. C. Sen, a member of the Legislative Assembly, representative of the Bengal National Chamber of Commerce, stated the position of the Bengal Press thus:

"I can say how they (the Press Laws) are acted upon so far as Bengal is concerned. Even the proceedings of the Legislative Councils are not allowed to be published if they contain anything against Government. No news can be given in the papers and I know that practically every day newspapers get a sort of typed form saying that their articles do not come up to the proper standard."

### Law Court Proceedings.

The restrictions enforced by the Bengal Government on the reports of the proceedings of law courts were the subject of resolutions at a meeting of the Executive Council of the Indian Journalists' Association on the 4th March. Maulvi Mujibur Rahiman,\* President of the Association, presided. The resolution stated:

(1) That the interpretation of the law as given by the Hon. Mr. W. D. R. Prentice, Member in charge of the Political Department of the Bengal Government, in the matter of publication of the proceedings of the Law Courts, is erroneous, and that the press has the right under the law to publish such proceedings.

(2) That in view of the fact that proceedings of Law Courts in political cases of a certain character are being systematically censored, and in view of the statement of the Hon. Mr. W. D. R. Prentice that at his instance newspapers were directed by the Press Officer not to publish the statement of the accused, Bina Das,† in the Governor shooting case, which was part of judicial proceedings, except in an expurgated form; the meeting considers that the High Court should direct that the Executive should not interfere with the publication of the proceedings of the High Court and all subordinate Courts.

(3) That the meeting protests against the invidious distinction made in allowing Anglo-Indian (British-owned) journals to print the statement in question (that of Bina Das), while Indian papers were prohibited from publishing the statement in any shape or form.

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\* Maulvi Mujibur Rahiman is a Moslem journalist whom we met in Calcutta. We had a discussion on the Press situation with him. The Maulvi spoke bitterly about the gagging of the press and the vagaries under the press law. A "Maulvi" is a Moslem savant, well versed in Islamic culture and theology.

† Bina Das was a Bengali University girl who made an attempt on the life of Sir Stanley Jackson, Governor of Bengal. We have quoted only the relevant part of the resolutions of the Journalists Association and have condensed it in places.

(4) That the meeting is advised that the arrangement of the Government of India (announced on the 23rd of February, 1932) to review the decision of the Telegraph Office in regard to reports of the proceedings of the Legislative Assembly is unsatisfactory and does not ensure unfettered publication of such news, and that the Indian Telegraph Act may not be used to take away the legal rights of the press.\*

### Other Restrictions.

It was also pointed out to us in Calcutta that apart from the discrimination between Indian and British-owned papers, the vagaries† of the Press Law were such that :

(1) News allowed to be published in papers of All-India circulation was not allowed in Bengal papers.

(2) That news suffered mutilation at the hands of the Press Officer or at his instance.

(3) Double-column headlines, display types and the arrangement and position given to a news item were subject to official interference.

### Not Aimed at Congress Opinion.

The victims of the Press Law, editors and newspaper, belong to all sections of Indian opinion and are not confined to what are popularly called Congress papers.‡ As an instance of action against non-Congress press, we have already referred to the *Indian Daily Mail*, a moderate paper. The *Sindh Herald*, which came under the Press Law in January, 1932, was owned and edited by Mr. Jethmal Parsram, a follower of Mrs. Besant and an opponent of Gandhian non-co-operation. In his own words, he is "one of that fast diminishing number of men with whom the union of Britain and India for the sake of the world is almost a religious conviction."

The *Akali Press*, a Sikh concern of Amritsar, the *Zemindar*,§ edited by a Muslim and upholding the cause of the peasantry, and the Roman Catholic paper, *The Week*, of Bombay, may

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\* The telegraph office officials, it was stated to us, declined to transmit news items handed in by local correspondents of journals.

† These matters were also the subject of a resolution of the Indian Journalists' Association on the 10th February.

‡ The Congress does not own any newspapers. The relation between Congress and newspapers is dealt with elsewhere.

§ In the Punjab a *Zemindar* is usually a small peasant proprietor, a cultivator and not a landlord as, say, in South India. The Punjab *Zemindar* approximates to a farmer.

be cited as instances of how the Press Act has victimised not merely the "nationalist" press but other interests more friendly in normal times to the Government.

### **British-owned Papers.**

British-owned papers are fewer in number in India, and the best known are *The Statesman* of Calcutta, *The Times of India* in Bombay, the *Civil and Military Gazette* of Lahore, and the *Madras Mail* of Madras. The readers of these papers are by no means all, or even the majority, Europeans. Anglo-Indian papers are subscribed for by Indian nationalists and others who either take them as newspapers or desire to be informed about official and European news. None of these papers has come under security and no instance of a warning being issued has been known. Their references to certain "classes of His Majesty's subjects" obviously fall under the penal provisions of the Press Law, but these certain classes are those of whom the Government does not approve. Also we were told that on many occasions the Anglo-Indian press has played on communal feelings as amongst different sections of Indians, even at times when communal disturbances are taking place.

The immunity of the Anglo-Indian papers becomes more invidious and appears as commercial discrimination when they are allowed to publish with impunity news items and photographs, the publication of which in an Indian paper would land the editor in trouble. The Government of Bombay and Madras and Bengal and the officials in the United Provinces issued warnings and prohibitory notices about the publication of photographs of Indian leaders and of news items relating to civil disobedience. Mr. Khare and Mr. Pothan Joseph, editors of the *Bombay Chronicle* and the *Indian Daily Mail* respectively, were served with personal orders forbidding the publication of pictures and names of those arrested and convicted of Civil Disobedience. The *Times of India* of Bombay and the *Statesman* of Calcutta published such items without let or hindrance. The *Statesman* published photographs of actual incidents of pickets in Delhi, while photographs of political prisoners behind prison bars have also appeared in the Anglo-Indian press.\*

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\* During the Civil Disobedience movement of 1930-31 photographs of Pundit Jawaharlal Nehru behind prison bars actually appeared on the front page of an Anglo-Indian paper.

### Some Instances.

The *Amrita Bazaar Patrika* (Calcutta) had to deposit the maximum security (Rs. 2,000 each from the Keeper of the Press and Publisher) for publishing an article entitled "India in Travail," by Professor S. K. George, in its issue on the 25th May. The article referred to Christian principles and non-violent resistance. The demand for security was contested in the High Court and heard before a special bench of three Judges, two British and one Indian. Dissenting from the conclusion of his two English colleagues, Mr. Justice Gosh said he saw nothing wrong with the article, as it merely argued that Mr. Gandhi's faith was "the way of the Cross." The other judges held that the article contained an appeal to Indian Christians, was calculated to stir up class feelings and create disaffection among His Majesty's subjects and bring Government into hatred and contempt.

*The Free Press Journal*.—During the last week of our stay in India (November, 1932) the *Free Press Journal* of Bombay had been called on to forfeit its security of Rs. 10,000 and to pay another Rs. 20,000 for reprinting an article which was written by Mr. Gandhi two years ago in his paper *Young India*. The article dealt with the question of Untouchability, and incidentally criticised the British Government. It was not contested by the Government at the time of publication or prohibited since.

*Liberty* of Calcutta was served with a notice on June 17th, 1932, forfeiting part of its deposited security for publishing an article by Professor S. K. George entitled "Christianity on Trial," in its issue of May 27th, 1932.

*The Navajivan Press*.—Manchalal Bhatt, keeper of the press and publisher of the *Navajivan*, was undergoing imprisonment at Andheri Central Jail. He was served with an order on the 7th February, 1932, to deposit a total security of Rs. 5,000 in five days while he still remained in jail.

The *Ahmedabad Labour Union* had to close down the Labour printing press as a result of a demand for Rs. 2,000 security. Its journal, *Majur Sandesh*, had to be suspended.

*The National Call*.—Mr. Sahni, editor-to-be of the *National Call*, was called on to furnish security of Rs. 2,000 before the paper was allowed to be published. The *National Call*



was not yet in being and could not, therefore, be guilty even of certain tendencies. Mr. Sahni, the editor-elect, was formerly editor of the *Hindusthan Times*, and during his editorship that paper was once called on to pay security. That was in 1930. He appealed to the High Court, which decided that the demand was illegal, but under the Press Act the High Court had no power to order a refund of security and to cancel an Executive order.\*

Mr. B. V. Jhadav, formerly a Minister of the Government of Bombay, now a Member of the Legislative Assembly, referred to the case of a religious propagandist of the village of Masur, in Satara. He kept a press which prints tracts and books on Hinduism, and he was engaged in reconversion to Hinduism, an activity against which there is no prohibition of any kind. He has been so engaged for over five years, and his activity was mainly in Goa.† This man was taken into custody under the Ordinances, his press attached and afterwards forfeited under the orders of the Bombay Government.‡

#### (VI.) JOURNALISTS UNDER THE PRESS LAW.

We have so far dealt mainly with action taken against newspapers and presses as such. Editors, and correspondents of newspapers, in India perform their functions daily in peril of arrest and prosecution. The provisions of the Press Law, as we have pointed out already, lead in many cases to a double imposition of securities.§ Additional penalties are imposed by proceedings against editors *personally* under the law of sedition, or under the Ordinances. This procedure is also an attack on the press, because the orders are often orders prohibiting them from performing their duties, which at the same time denies the newspaper even such appeal in a High Court as the Press Act allows.

For instance, in February, 1932, *personal* orders were served on Mr. Khare and Mr. Joseph, editors of the *Bombay*

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\* Cf. Assembly Debates, Vol. VII., p. 2797, speech of Mr. Gaya Prasad Singh.

† Goa is Portuguese territory and its population is mainly Christian.

‡ Assembly Debates, Vol. VII., p. 2800. The matter was also discussed in the Bombay Council.

§ Securities are demanded from the Keeper of the Press and the Publisher of the paper; in many cases this is one and the same person.

*Chronicle* and the *Indian Daily Mail* respectively, forbidding publication of certain items.\* The order was issued under the Emergency Powers Ordinance and the effect of it is to deprive the newspapers of which these gentlemen are editors of the right they would possess, if the order had been made under the Press Act, of appealing to a High Court. The action of the Government, while being technically correct, since Ordinances are also law, was clearly in violation even of the intention of the Press Act. By circumventing the Act and proceeding against the editors as individuals, the liberty of the press is still further curtailed and journalism made more perilous to those who enter that profession.

### **The Sindh Herald Case.**

In this case action against the Editor of the *Sindh Herald* was taken not only under the Press Ordinances but under Section 4 (i).† Emergency Press Ordinance (II. of 1932). He was previously warned by the District Magistrate of Karachi in respect of an article entitled "George Lansbury's Hopes." He was tried in respect of two articles entitled "Doomsday Budgets" and "The Gujerat Mail," and sentenced under Section 21 of the Emergency Powers Ordinance. An appeal was lodged before the judicial commissioner of Sindh, who quashed the conviction in respect of the first article, entitled "Doomsday Budget." In the course of his judgment the judicial commissioner remarked that he took the greater part of the propositions stated in the article to be true, but whether true or false they were opinions "which every true man is entitled to profess or defend." He quoted the words complained of, and added:

"A place in which a man may be imprisoned for the use of the words which I have quoted above would no longer deserve to be called a free country, and a law which would justify such imprisonment is a law I, for one, would not administer."

The Judicial Commissioner, however, took exception to the use of the words "ghoulish," "hellish," and "tor-

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\* Referred to on p. 310.

† (See ch. Ordinances.) The section reads: "Whoever disobeys or neglects to comply with any order made or direction given in accordance with the provisions of Section 4 shall be punishable with imprisonment which may extend to two years or with fine or both,"

tures," which appeared in one of the articles, and held that it brought the Government into "hatred and contempt" and excited disaffection. He reduced the former sentence of eighteen months to that already undergone, seven weeks.

The District Magistrate who convicted him belongs to the category of officials who operate the Press Ordinance, and against whose decision the normal process of law does not obtain. His interpretation of what is "likely" to create class hatred or disaffection determines whether people are to be arrested or sentenced under Ordinances. The case also proves that even a judge who publicly declares that he could not administer laws which penalised freedom of opinion as such finds that under the sections of the Press Law he has to award jail imprisonment for an editor who uses such words as "hellish," "tortures," and "ghoulish." It was not contended on behalf of the Government that there was incitement to murder or violence or encouragement of such.

## (VII.) PRESS AND PUBLIC OPINION.

### **Government's View of the Press.**

The Government's view of the attitude of the Indian press was stated by the Home Member to the Government of India in the Legislature thus: "When the great bulk of the press is ranged—as we must admit it is ranged—against the Government it is very difficult to get effective publicity to the Government point of view and in the second place it is surely a commonplace that it is exceedingly difficult to overtake a lie." He went on to say: "... I do not suggest that there are not a number of admirably conducted newspapers in this country."

The Government case for the powers taken to suppress the press is that the "bulk" of it is "deliberately hostile." Mr. Haig's admission that there are a "number of admirably conducted papers" leaves one to conclude that either these papers do not champion the Government, or the truth as the Government sees it, or that they are ineffective so far as the informing of public opinion is concerned. The Government of India, it is usually stated, has no press\* (and no platform), and therefore its case goes by default.

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\* Cf. the Simon Report.

## The Facts.

The British-owned papers\* in India, which have large circulations, and are read by politically-minded Indians, as well as those who have vested interests in the country, as a rule support the Government. "The European-owned newspapers represent, on the whole, the point of view of the Administration."† The total circulation of the three principal Anglo-Indian papers would probably be larger than three of the best known Indian-owned (English) newspapers.

Among the Indian-owned journals there are two classes of newspapers which are on the side of the Government:

- (1) The Ministerial press.
- (2) The subsidised press.

## The Ministerial Press.

In Madras, Bengal and the Punjab, there are Indian-owned papers which support ministerial policy. We do not know whether there are such papers in other provinces. In Madras the "Justice" party, which has held ministries since 1920, with a brief interval of about two years, is in close alliance with the British side. It is the largest Council party, and dyarchy has been acclaimed a success in Madras as the British and Indian half have functioned as a "United Cabinet."‡

The Justice Press§ (English and vernacular) cannot, therefore, be classed as "deliberately hostile" and maliciously false. In Bengal, the *Star of India* is a ministerial paper. It supports the Government. The ministries in Bengal have survived by the support of the official bloc and are thus creatures of the Executive. In Lahore there are papers like the *Eastern Times* which represent the school of thought led by Mr. Fazli Hussain, who was a member of the Governor-General's Cabinet when we were in India. There are also

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\* These are referred to as the Anglo-Indian press (cf. Simon Report).

† See the Simon Report, p. 262.

‡ The present Viceroy, when he was Governor of Madras, appointed the first "Justice" ministers. He referred to the Government of Madras as a "happy family," meaning that the ministers and officials were in agreement and united. The causes that underlie this agreement are not relevant to the present argument.

§ *Justice* was started as an anti-Home Rule paper in 1917

other papers which are hostile to Congress and progressive nationalism.

The speeches of Ministers, of Government spokesmen in the Assembly and the Provincial Councils are reported, the utterances of the Viceroy and the Governors receive wide publicity, and it is part of the *de facto* duties of the village and other officials to carry on Government propaganda. The Government also can obtain publication of whatever it wants in any newspaper, in addition to suppressing what it does not approve. Editors are "required" or "desired" to print Government news; the Government is not in the position of a correspondent and in asking a paper to publish a *communiqué*, even the language employed is that of command.

"The Government desire you to publish the *communiqué* in your paper in the same prominent place as the original article was published, together with an expression of regret. . . ."

Government can always obtain publication of its news. There are also those organs of expression which habitually or frequently put the Government's case. If public opinion is not affected in consequence it is because the public has by experience and knowledge formed its own views about the Government, or because it has little trust in the sources of Government or pro-Government information. Further, the Government of India and its policies are not based on the recognition of the idea of persuasion of and consent by the people. If the Government expects the people to "take" it must be ready to "give."†

### The Subsidised Press.

Government also subsidises newspapers, though reputable newspapers do not take Government subsidies. A certain amount of patronage in the shape of Government advertising rests also with the official side. We were not able to obtain the extent of the actual subsidising of the press. We were informed that all cases of subsidy would not be ascertainable even by interrogation in the Legislatures.

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\* Letter from the Chief Secretary to the Madras Government to the Editor of *Swarajya* (edited by T. Prakasam, Barrister-at-Law), dated 4th February, 1932.

† As we have pointed out earlier, Lord Irwin made a departure in issuing explanations of his policy or the measures which he adopted.

In answer to questions by Mr. J. B. Petit, a Parsee member of the Bombay Legislature :

(1) Whether any subsidies were given in cash or as subscriptions for purchases of copies of newspapers ;

(2) If so, to what papers such subsidies were given ;

(3) The basis of such subsidies ; and

(4) The account to which the amounts given were debited ;

the Honourable\* W. F. Hudson said :

(1) That Rs. 100 a month was paid by the Collector of Karachi,† with the sanction of the Government, to the *Sind Patriot* of Karachi, and the expenditure was debited to the Land General Administration General Establishment.

(2) Copies of *Parkishak* of Belgaum, *Prakash* of Dharwar, *Vichari* of Karwar, *Nation* of Bombay, were also purchased and expenditure debited to "General Administration, etc."

(3) Rs. 4,000 has been placed at the disposal of the Commissioner Northern Division in the budget under the head "General Administration, etc.," to meet expenses in connection with "*Gujarat Patrika*" other than the cost of printing and paper, which is debited to the head "printing and stationery." (Italics ours.)

In answer to (3), the basis of the subsidy, Mr. Hudson said that it was to "disseminate correct information on the present political situation and to give an accurate presentation of the policy of Government and action of its officers."

Local Governments have, in addition, their own information departments, Directors of Information, and Press officers.

The bulk of the press and public opinion, however, remains hostile to the Government even on its own admission.

### Congress and the Press.

The Indian-owned papers are mainly private concerns and the majority of them are run at a loss or are financially in

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\* Members of the Government, Central and Provincial, and Ministers have the title Honourable. If we have not always used it in these pages, it is an oversight for which we express regret.

† The Collector is the District official, magistrate, Revenue officer and representative of the Local Government.

a precarious condition. It is usual, in official circles, to speak of the Indian-owned papers as the "Congress Press." These Indian newspapers are nationalist, their advocacy of Indian self-government "varying from insistent demands for further reforms for India to full-blooded advocacy of complete independence of the British connection."\*

Part of the press (particularly the English) is opposed to Civil Disobedience and direct action for political ends. This section has been led lately into greater and greater antagonism to the Government and its policy, and many papers have come under the Press Law.

Congress does not finance or own any newspapers in India. No subsidies are paid out of Congress funds to newspapers, and Mr. Gandhi holds very definite views on the subject. Some of the papers, like *Swarajya* in Madras, the *Bombay Chronicle*† in Bombay, the *Advance* and *Liberty* in Calcutta, are owned or edited (or both) by Congressmen. Congress is "news" and the growth of its organisation and activities have led to the starting of more papers in the vernacular in the outlying areas and also to moving moderate papers more and more to left wing views.‡

The leading papers in India, English and vernacular, which are old established and have wide§ circulations, are independent private concerns or companies. Among these may be mentioned the *Hindu* of Madras, and the *Amrita Bazaar Patrika*, proprietary concerns, the *Leader* of Allahabad, the *Tribune* of Lahore, the *Hindusthan Times* of Delhi, and the *Bombay Chronicle* of Bombay,|| which are companies.

### Challenge to Congress.

The press in India often criticises Congress, and in 1930 challenged the authority of its executive by continuing publication, in spite of Congress decision to the contrary. The Congress decided that the best answer to the Press

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\* Simon Report, p. 262.

† The paper has probably now changed ownership.

‡ Government's repressive policy and disregard of moderate opinions have also contributed to this.

§ A five-figure circulation is a great achievement for an Indian newspaper.

|| The *Justice* of Madras is a party organ—that of the Ministerialist non-Brahmans.

Ordinance was to close down the Indian press. Pundit Motilal Nehru, on behalf of the Congress, appealed to the Press to shut down; this was refused, and the newspapers took an independent line that their business was to function even in spite of repression.

Criticisms of the Congress "command" and policy appeared in papers with such divergent views as the *Hindu*, the *Servant of India*, and the *Free Press Journal*, but all of them are critics of the Government.

### **News Services.**

The principal news agencies in, and for, India are *Reuters* and its allied concern the *Associated Press*. The Government subscribes to these services, and Government news usually finds an outlet through them. The sums paid by the Government are for supplying news for departments and stations, and though it may account for an appreciable proportion of the revenue of the concerns' workings in India, it has always been denied that there is any question of subsidy. The *Associated Press* is the internal service and is largely manned by Indians. It is transmitting Congress and Indian news in an increasing degree as a result of demand and competition. The *Free Press* news service is an Indian concern which owns a few newspapers and runs a news service. Its journals have come under the severe attention of the Press Law. The service is not controlled or financed by Congress. The larger newspapers have their own arrangements about the supply of news and correspondents risk arrest and imprisonment in performing their duties.



## CHAPTER XVI.

### SOME LAW COURT CASES.

"When a man is brought before a Soviet Court at a criminal trial where any State policy is involved, the question is not whether he is guilty or not, but whether it is in the interests of the State administration that he should be found guilty, convicted and sentenced. How can one rely on justice which is administered by such a court, or justice based on such principles?"\*

(Lord Hailsham on the trial of the British engineers in Moscow.)

"In the middle of the eighteenth century there was a great constitutional controversy in this House, when the House held that to take a man away, without telling him on what charge, was a gross breach of law."

"I have had occasion to study many systems of law, and I do not believe that there is a man or woman in this House who will dispute that testimony obtained by this means is wrong."

(Sir John Simon on the Moscow case, House of Commons, 5th April, 1933.)

#### (I.) LAW vs. POLICE ACTION.

We have in other chapters referred to cases† under one or other of the Ordinances which came before the Law Courts, and referred to judicial comments on them. The cases to which we draw attention here relate to what are mistakenly called in India "parole orders"‡; the flying of the Congress flag and "assisting an unlawful association." They also throw light on the nature of prosecution evidence, the conduct of the Police and District

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\* By quoting this declaration of Lord Hailsham's, we are not subscribing to the ex-Lord Chancellor's view of criminal or political trials in Russia, but drawing attention to what an eminent lawyer and an ex-Lord Chancellor of England regards as essential to justice and fairness in judicial procedure.

† The more important of these cases are the *Indian Daily Mail Case*, the *Sindh Herald Case*, the *Janasakhi Case* (chapter on the Press on pages 301-304), and the *Habeas Corpus Case*.

‡ The police victims in this case do not give any undertaking and therefore there is really no parole, it is merely a restraint order by the police.

Magistrates in dealing with these political cases and the limitation of judicial processes under the Ordinances. Some of the decisions\* that we have quoted here will also go to show that such actions as flying the Congress flag, for which thousands of people have been beaten, many put into prison, and buildings and property confiscated, is not at all illegal. In spite of court decisions police reprisals have gone on in regard to these "offences" in the name of "law and order."

### A Flag Case

Dr. Kanuga was prosecuted for refusing to comply with police orders not to fly a Congress flag on his building, which was characterised as assisting an unlawful association.† The Additional First Class Magistrate of Ahmedabad sentenced‡ him to a fine of Rs. 1,000. The Gujarat Lawyers' Federation questioned the legality of the conviction and made an application before Mr. N. S. Lokur, the Sessions Judge§ of Ahmedabad, to have the case referred to the Bombay High Court. The Sessions Judge ruled that neither the Congress nor the hoisting of a flag was unlawful and he therefore issued a rule to refer the matter to the High Court of Bombay.

Mr. Justice Baker and Mr. Justice Broomfield, who heard the case, issued a rule asking the Additional First Class Magistrate of Ahmedabad to show cause why the conviction and sentence passed on Dr. Kanuga should not be set aside.||

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\* We have in our possession the facts of a number of other cases, but space forbids reference to them here.

† The flag is the Congress flag, called by even those who do not belong to Congress "The National Flag." Congress itself has never been declared an unlawful association, though its executives, committees and constituent organisations have been so declared. It is difficult to see how the flying of the Congress flag can be regarded as assisting an unlawful association since Congress is not one of these.

‡ The sentences are usually much more severe and include imprisonment and confiscation of property. People carrying flags are almost invariably beaten.

§ A member of the Judiciary; the magistrate is a member of the Executive, but both may belong to the same service, the I.C.S.

|| Decisions declaring that the flying of the Congress flag is not illegal were also made by other courts in other cases, including one by the High Court of Madras.

## (II.) HIGH COURTS UNDER THE ORDINANCES.

### King Emperor vs. Phansalkar.\*

This is a very important case in which a lawyer, Mr. Phansalkar, was arrested under Sec. 3 of the Emergency Powers Ordinance.† The facts of the case are that Mr. Phansalkar, a lawyer of Pandharpur (Bombay Presidency) broke the "parole" conditions imposed on him. He is a Congressman but does not believe in civil disobedience. In 1930 he was prosecuted under the Ordinances; he defended his own case; the magistrate who reported against him was cited as prosecution witness and he was sent to jail. In January, 1932, he was arrested because he was connected‡ with the 1930 movement. He was taken to Sholapur, kept in custody at Bijapur Jail for a time, and then served with an order§ made by the District Magistrate of Sholapur imposing on him several conditions, including the one that he should report himself to the police three times a day. Mr. Phansalkar complied with this order till the 11th February, when the District Magistrate served another order on him extending his "parole" and conditions period till July. He then disobeyed. The conditions imposed have been summarised in the Bombay Law Reporter,|| thus :—

(1) Shall not attend, promote, address or take part in any public meeting or any procession or demonstration.

(2) Shall not promote, encourage or take part in any picketing, hartal, prabhat-feri, or similar activity, either directly or indirectly.

(3) Shall not promote, assist, encourage or take part directly or indirectly in any movement such as civil disobedience, boycott, etc., in furtherance of the objects of any prohibited association.

(4) Shall not wear or exhibit any dress, badge, emblem or flag indicating or appearing to indicate any connection with any prohibited association.

(5) Shall within twenty-four hours from leaving custody report

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\* See chapter on "Ordinances." The cause of arrest is *suspicion* that the accused has acted or "is likely to act."

† This case is fully reported in the Bombay Law Reporter.

‡ In the first few weeks of the Ordinances all over India wholesale arrests were made of those connected with the previous year's movement.

§ Under Section 4 of the Ordinances (See Chapter V.), which gives the executive power to control suspected persons.

|| Quoted by Rao Bahadur Kale in the Bombay Legislative Council. See Bombay Legislative Council Reports, 23rd November, 1932.

himself to the police sub-inspector, Pandharpur Town, and therefrom shall not without permission of the police sub-inspector, Pandharpur Town, leave the area comprised in the municipal limits of Pandharpur Town.

(6) Shall not without the permission of the District Magistrate enter the area comprised in the Karmala Taluka.

(7) Shall report himself to the officer in charge of Pandharpur Town police station daily at the hours of 6 a.m., midday and 8 p.m.

### Legal Issues.

Mr. Phansalkar, who disobeyed the order on the 11th February when the period of its duration was extended to July, was sentenced to eighteen months' rigorous imprisonment and Rs. 1,500 fine.

He appealed against this conviction and before the case was argued on its merits two preliminary issues were raised and decided by the full bench.

The contention that the Ordinances were not validly promulgated in Bombay Presidency, which was advanced on behalf of Mr. Phansalkar, was dismissed by the Judges, who said that the right of the Governor-General to make these Ordinances, under Section 72 of the Government of India Act, was not questioned. What was done by the Bombay Government was to provide for the administration of the law duly promulgated by the Governor-General, and the applicant's contention arose from a confusion between the power to make and the power to administer laws. The Judge considered that it was competent for the Governor-General to allow an outside body (in this case the Bombay Government) to decide the time and the extent of the operation of such ordinances.\* The full Bench, therefore, decided that the Ordinances were validly promulgated in Bombay.

The next contention was the one made by the Advocate-General (the Government's Counsel), who argued that the High Court had no power of revision or superintendence

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\* The importance of this decision is in that the Courts had to uphold, as good law, what in actual practice is the delegation of the administration of the Ordinances and the power to authorise such to lower authorities. The Ordinances thus, quite legally, place vast powers in the hands of so many authorities who, while they had no right to "promulgate" an Ordinance, could "administer," and decide where to administer them, at will. The difference is one that enables the practice to be "good law," while arming the official with wide powers.

over the Courts constituted by the Emergency Powers Ordinance, and therefore the application could not be entertained. The Judges went into this question at length and in delivering judgment pointed out that the revisional jurisdiction of the High Court had a threefold source :—

- (a) Section 435 and 439 of the Code of Criminal Procedure which provides for revision in respect of all inferior courts.
- (b) Letters Patent granted under the High Court Act of 1861, conferring certain rights of superintendence.
- (c) Section 107, Government of India Act, of 1915, which provides that each High Court has powers of superintendence over all courts subject to appellate jurisdiction.

#### High Courts' Powers.

The Chief Justice, in his judgment, also stated that :—

- (1) *It was competent for the Governor-General to override :*
  - (a) the Code of Criminal Procedure under Section 72 and Section 65 of the Government of India Act, since the Code is an Act of the Indian Legislature.
  - (b) the powers under the Letters Patent under Section 44 of the Letters Patent itself.

but

- (2) *It was not competent for the Governor-General to override the powers conferred on High Courts under Section 107 of the Government of India Act which was an Act of the Imperial Parliament.*

The Judge agreed that it was the intention of the Ordinances to take away and they did in fact "take away" all powers of revision and appeal of all courts under Section 51 of the Emergency Powers Ordinance. But the powers under Section 107 of the Government of India Act still remained and therefore the High Court had the right of superintendence over all courts subject to its appellate jurisdiction. This power included both the administrative and the judicial side and therefore the judgment of such a court was subject to the High Court's appellate jurisdiction, as under Section 39 of the Emergency Powers Ordinance itself the High Court has power to "hear application in certain cases."

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\* See footnote † page 41.

The Advocate-General\* had contested these points but the Chief Justice held that "those powers (under Section 107) cannot be and have not been taken away by the Ordinances."

### **The Case on its Merits.**

Mr. Phansalkar's case† was then argued on its merits. The issues raised were :—

- (1) Whether the order was covered by Section 4 of the Ordinance.
- (2) Whether the order was arbitrary, oppressive and "malified."
- (3) Whether the authority issuing the order was a proper one.
- (4) Whether the sentence was appropriate to the offence.

Discussing each of these issues, the Chief Justice decided that the order was valid and was covered by Section 4.‡ As regards the sentence, though the High Court had powers of superintendence and therefore authority to revise, the Chief Justice did not find it necessary to intervene.

The order "was served by a competent authority and the plea that it was humiliating is no excuse for not obeying it." The magistrate was in a better position to know local conditions, and to form an opinion. The Court, therefore, saw no reason to revise the sentence. Mr. Justice Broomfield concurred in this judgment.

### **Indian Judge's Dissent.**

Mr. Justice Nanavatty, the Indian Judge, dissented on the question of the sentence. On questions of validity the Judge said that "the Ordinances have given such wide powers to the officers that it is not competent for the Court

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\* The importance of this part of the judgment is in showing to what extent the revisional rights of the High Court has been curtailed or taken away by the Ordinances, and the contention of the Government that the High Court had not even power of superintendence.

† There were four similar cases before the full Bench and each was heard on its "merits."

‡ The grounds on which the Judges came to this conclusion are interesting. Full explanation of them will take up too much space. The principal one is "Section 51 of the Ordinance itself, which is a complete answer" in that it provides that no proceedings under Section 4 shall be called into question by any Court.

to go behind the order of the District Magistrate. The court must assume that the order was properly made." He thought, however, that "the magistrate had failed to use his discretion" in the matter of the sentence. He had referred to matters which were outside the scope of this case.\* The Judge also remarked that "it is not surprising that when an order of this character is passed on a man of education and status, that he felt it humiliating."† On the material before the court, he concluded, the offence was not likely to have serious consequences and might have been punished as a first offence with a smaller sentence.

### (III.) POLICE EVIDENCE.

The case in which Doctor B. Subramaniam and Mr. N. C. Bhimaraju were prosecuted by the police before Mr. P. V. Balakrishna Aiyar, M.A., I.C.S., Joint Magistrate of Rajahmundry, in which the magistrate acquitted them after he had "found on the facts that the prosecution case is false" may be cited as a significant example of police prosecutions and police evidence. It is very rarely that these political cases are contested on behalf of the accused, since it is part of the non-co-operation programme to ignore the British machinery of Justice. A case of the kind that we give below throws some light on the basis of the "facts" on which arrests are made. It is the same kind of "facts" on which the Government builds its brief in the replies in the Press, Legislatures, and even the House of Commons when allegations against the police or administration of the Ordinances are made.

#### **The Charge.**

The accused were charged with the commission of an offence at Rajahmundry on the 26th January, 1932, under Section 145, 188 of the Indian Penal Code, Section 4 of the Emergency Powers Ordinance and Section 17 (2) of the

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\* It has become usual for magistrates to make use of trials for expression of opinion on matters outside the trial itself.

† See chapter on "Suppression of the Nationalist Movement," pp. 148, 149 and 150, for the judges' views of the character of these orders and the wide powers of officers.

Criminal Law Amendment Act.\* There was also an additional charge under Section 157 of the Indian Penal Code against one of the accused.

### **The Prosecution Story.†**

About 2.40 p.m. on the 26th January, 1932, when the Deputy Superintendent of Police (P.W.1) was told by an "Informant" of his S.B.‡ Staff, that A.1, who had arrived in Rajahmundry that morning, and had sent out three women to do picketing of foreign cloth shops, was just then in secret conspiracy at the house of A.2, also that certain Congressites had visited A.1, who returned some of the visits. Thereon P.W.1 proceeded to the house of A.2 along with the Circle Inspector of Police, Rajahmundry, the Sub-Inspector (P.W.14) and Head Constables 722 and 597 (P.W.3). Four special Branch constables also turned up at the house of A.2. The two accused, B. Satyanarayana, A. Sesharao, and two others, not identified, were in the front hall of A.2's house with the doors shut. P.W.1 and his "other companions" distinctly heard the first accused say that "to-morrow Palakodeti Syamalamba, Gadicherla Alivelu Mangamma and Bollapragada Venkatachallamma, all of Rajahmundry will do the picketing, and that he shall see that this one town sends in not less than 1,000 women to picket at the rate of three each day spreading it over one year." Directly he heard this P.W.1 knocked on the door and directed that it should be opened. He was seen through the window and the door was opened. He then declared them an unlawful assembly and ordered them to disperse. "In one breath both the accused specifically stated that they would not disperse." P.W.1 then ordered his staff to disperse them by force, which they did. "A.1 and A.2 sat firmly on the road in front of the house of A.2 and received more blows; the two unidentified strangers cleared off with just one or two blows on each. B. Satyanarayana and A.

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\* Most of these sections are incorporated in Ordinances. We have given the numbers of sections here for purposes of reference to readers who are interested. We are obliged for the sake of brevity to refrain from quoting them at length. For all practical purposes it may be regarded as an Ordinance case under Section 4. (See chapter on Ordinances.

† As it appears in the Magistrate's judgment.

‡ S.B., Special Branch; P.W., Prosecution Witness; A., Accused



Sesharao started pleading for mercy after a blow or two on each, and they were spared. Eventually they tendered apologies in writing and were let off. The accused were arrested and removed to the hospital in the police lorry, which was at once sent for.

### **The Evidence.**

The Magistrate then summarised the evidence of the prosecution and of the 27 witnesses examined by the defence, for the purpose of proving, among other things, (1) that on the 26th January the first accused did not even arrive in Rajahmundry till near noon; and (2) that he did not meet the various persons whom, according to the prosecution, he had interviewed that day before finally holding the meeting at the second witness's house, and that one of them at least was absent from Rajahmundry on that day; and (3) that of the three women whom, according to the prosecution, the first witness arranged to send out to picket on the 27th January, not one was interviewed by him on the 26th and that two of them could not have been interviewed as they were not in Rajahmundry that day, and that of these two one could not by any means have been brought to Rajahmundry on the 27th.

### **"Effort to Re-vamp the Case."**

The judgment then refers to the examination by the Magistrate, in presence of representatives of both sides, of the scene of the occurrence and of tests made, from which the Magistrate concludes that it is

"apparent that though it might be possible for an attentive person at the window to follow, subject to a certain margin of error, an ordinary conversation inside the room, nothing tangible can be got at the door and that unless the voices are pitched in a key approaching that which one uses in addressing a large audience (the Circle Inspector stated that he had only not (?) raised his voice to the level he would use on the parade ground when drilling a hundred men) it would be extremely difficult to catch anything more than a few sounds at the steps and practically impossible to make sense out of them."

Discussing the evidence, the Magistrate said:

"I have read and re-read the records of the case quite a few times and with more than usual care. And the more I read the more am I astonished at the utter recklessness of the prosecution witnesses (P.V.2, who is not an occurrence witness, being excepted). Almost on every single point at which their narratives overlap or cross, or which permits of being checked up with their previous

statements, there is an amount of contradiction and expansion which would be incomprehensible if the prosecution were telling a plain honest tale. I also notice that several of the variations in the case appear to be informed by a definite purpose and to be the outcome of a conscious effort to re-vamp the case. It is not easy to make a comprehensive catalogue of these things, nor is it necessary."

### **Devoid of Truth.**

The judgment then gives instances amplifying and justifying the above statement. The prosecution story is analysed and its own evidence examined at length, and then follows the conclusion :

" No degree of ingenuity can reconcile these statements and the simplest explanation of the matter is that on the 27th January the head constable made a statement without absolutely any regard to its truth, that by the 11th February he forgot what he had stated on the 27th January, and then produced another statement, probably equally reckless and equally devoid of truth."

After further analysis, the Magistrate adds :

" Comment on these is superfluous : the statements proclaim their own falsity."

Discussing, threadbare, the police story relating to the second item in the case, the gathering of conspirators, the judgment points out how, in every material particular, the police story is brimful of contradictions and discrepancies and is " scarcely credible."

Finally, the Joint Magistrate discusses the rest of the prosecution evidence, and remarks :

" Beyond doubt someone is lying here. But who ? The prosecution ought to know, and as it has not answered the questions a court is bound to suspect all the three. I have by no means exhausted the store of contradictions in the record, but I believe I have set forth a sufficiency to justify the observation at this stage that the prosecution case can hardly be true. Discrepancies, I recognise, are bound to occur even when the most honest witnesses are examined, but if the case is substantially true one never gets, as we have here, a bewildering spate of contradiction."

### **The "Apologies."**

Dealing with the defence witnesses, the Magistrate dismisses the prosecution argument that because they are Congressites they should not be believed, though that fact, to his mind, necessitates caution and suspicion with regard to their evidence. He concludes that the *alibi* is proved ; that one of the defence witnesses, a member of the Loyalist

League, was undoubtedly speaking the truth, and that the apologies obtained by the police are of "absolutely no value."

Commenting on these apologies, the Magistrate says :

"Statements obtained from persons shortly after they have been subjected to physical violence in the proximity of a lock-up and with the promise of a release as the price of those statements, are vitiated by every element of menace and bribery. Their evidentiary value is nil."

More searching analysis of the prosecution story follows, and in the summing up of his impression of the prosecution, the Magistrate says :

"The prosecution story puts a strain not only on the ordinary theories of probability about the scope of which there might be some speculation, but on the laws which govern well-established processes of the physical world about the scope of which there can be no speculation."

### **"Have Lied Profusely."**

Referring to the "informant" who was not examined by the prosecution, nor any explanation offered in this respect, it is observed :

"I am sometimes inclined to doubt whether this informant has any corporeal existence at all, especially as he sometimes appears to be only Appalaswami's shadow. But the fact remains that whoever this personage is he has not shown himself."

The Circle Inspector was not examined by the prosecution either. He would have been a valuable witness for that side. On this the Magistrate's comment is :

"It requires a certain amount of hardihood for a man of self-respect to look another in the face and tell a lie that would send him to jail and then go about as though nothing had happened, and the defence suggests that the Circle Inspector was given up because he has not a sufficiency of that hardihood. The prosecution did not face that charge."

Continuing, the judgment observes :

"From all these considerations—and I have not exhausted the matter—it will be apparent that barring P.W.2 who is not an occurrence witness, all the other prosecution witnesses have lied profusely. No. 3 in particular has done so almost effortlessly, but all have lied unskilfully as is bound to happen when they lie so lavishly. From their very nature generalisations are bound to be inaccurate, but in so far as a general statement is possible in this case it may be asserted that every single piece that makes up the prosecution story is false."

### **Motives of the Police.**

Dealing with the motives of the prosecution as suggested by the defence\* (the accused), the Magistrate felt that he had not enough material to comment on their criticism, but he adds :

"I am not, however, prepared to commit myself to the observation that this suggestion of the defence is a flagitious libel. I leave the question completely open."

The judgment then discusses the legal arguments raised by the defence, and finally concludes that the prosecution charges under all the sections had failed, and sums up :

"I have found on the facts that the prosecution case is false. I therefore acquit the accused under section 258 (i) of the Criminal procedure code."

### **(IV.) MORE POLICE EVIDENCE REJECTED.**

#### **Intercepted Letters.**

In January of 1932 the Surat Police intercepted two letters, one of which was addressed to Mr. Manubai Chaganlal Marfatia, a medical practitioner of Surat, who is also the owner of a rice mill.

One of the letters was signed "X," and it referred to "Rs. 3,800 sent before and the Rs. 7,000 thereafter. The total would be Rs. 10,800." It also asked that Rs. 2,000 of this be kept, "for expenses of January, 1932, and that the "remaining amount of Rs. 8,800" be given "for Bardoli."

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\* Summarising defence evidence on the motive of the prosecution, the police, the Magistrate said :

"The question might be asked: Why should P.W.I have concocted this false story? And the defence has given this reply. P.W.I was seeking his own advancement. A.I is a prominent local Congressman; any big scheme can be laid at his door; by bagging him and charging him with this story P.W.I could say, 'By my prompt and energetic action I have stopped all the trouble in Godavari; but for me this place would have been seething with political crime.' And in due course he would find that he had acted to his own advantage. P.W.I had, moreover, interested himself in the local municipal factions and towards the end of January he instituted a drive against the party of the present Chairman; the arrest of A.2 was only one step in a plan of overawing the supporters of the present Chairman. The presence of A.I in A.2's house gave him the necessary excuse to act, and he seized it. In this combination of factious spirit and self-aggrandisement is to be found, according to the defence, the real origin of the case."

P.W.I is the Deputy Superintendent of Police of Rajahmundry. No departmental action had been taken against him or other officials, even after this trial, till the time we left India.

The second letter, which was alleged to be in the same handwriting, contained instructions as to how to dispose of the Rs. 8,800.

The police searched the house of the doctor-millowner and claimed to have seized certain papers and cash amounting to Rs. 7,854.

Dr. Marfatia was charged under the Criminal Law Amendment Act,\* before a First Class Magistrate, and sentenced to three months' rigorous imprisonment and a fine of Rs. 1,000 for assisting in the operations of unlawful bodies by receiving contributions between 11th and 13th January, 1932. Another person, Gokil Bahidas Marfatia, was also sentenced in this connection to six months' rigorous imprisonment and a fine of Rs. 500. Dr. Marfatia appealed to the Bombay High Court against his conviction. The appeal was heard by the Chief Justice and Mr. Justice Nanavatty, of the Bombay High Court. The Chief Justice, in delivering judgment, said that it was not the function of the High Court, in exercise of its powers of superintendence,† (under section 107) to go into the question whether the trying magistrate had rightly appreciated the evidence. All that the court could do was to examine and enquire whether the magistrate had evidence on which he could reach the conclusion he had reached.

### **The Magistrate's "Error."**

There was some evidence that the petitioner (Dr. Marfatia) received a sum of Rs. 3,800, but his Lordship failed to discover any evidence to show that he received either that sum or the other sum of Rs. 7,000 on behalf of an unlawful association. The error into which the magistrate had fallen was, in the opinion of the Chief Justice, that he assumed‡ production of the intercepted letter was evidence

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\* If the charge had been under the E.P.O. probably the application would not have been admissible on account of Section 59 of the E.P.O. referred to before.

† All that remains for the High Courts is the power of superintendence under Section 107 of the Government of India Act. The powers of revision normally enjoyed had been taken away by the ordinances.

‡ Such "assumption" appears to be the normal practice in cases of this kind. The allegation that there was a close connection between the magistrate (the judge) and the police (the prosecution) was frequently made to us in India. We were referred to the statement published by a retired magistrate in the Calcutta Press of his own experiences in this matter, and of a confidential circular issued to magistrates.

of the truth of the facts stated in the letter. This was not the case. Evidence that letters in these terms were intercepted was not evidence of the fact that the moneys were dealt with in the way in which the letters directed. In fact, apparently neither of the letters was seen by the accused, and apart from that, so far as his Lordship could see, there was no evidence at all that the petitioner held the moneys for the purpose of any unlawful association.

Mr. Justice Nanavatty concurred, and the Bench set aside the conviction and the sentence passed on the petitioner.\*

### **The Importance of the Case.**

The significance of this case will be understood only when it is realised that numbers of convictions have been obtained on this kind of police evidence, intercepted letters, documents found in police searches, etc.

It was frequently alleged to us that these letters were planted by the police, and since cases would not be contested, and, even if some parties were prepared to contest, Section 59 of the Ordinances would rule out any interference with any orders made under the E.P.O., such as the notorious "parole" orders or confiscations, there was little remedy.

The searches were not usually made in the presence of witnesses, and there was little to prove whether the documents and articles found really belonged to the owners of the premises. In some cases where the police brought "witnesses" to the search, they were, as Miss Purna Devi, of Lahore, told us, plain clothes policemen or police sleuths, passed off as "citizens."

### **A Revolver Case.**

A revolver which the police claimed to have found in her house, which they searched, was the evidence against Mrs. Jaffar Ali (an Irish woman by birth).

Mrs. Savitri Devi (Mrs. Jaffar Ali), who was already undergoing a five years sentence for harbouring an absconder,†

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\* The account is taken from a Press report of the case dated 27th July, 1932.

† Mrs. Jaffar Ali declined to defend herself in this case. She had given hospitality to the person in question but stated that she was not guilty of any offence. She believed the man to be an insurance agent, and she herself was in the insurance business.

was charged under Section 20 of the Indian Arms Act with the possession of two unlicensed revolvers and ammunition, which the police claimed to have recovered from her house following the arrest of Yashpal, the absconder, at Allahabad, on 23rd January, 1932. Mrs. Ali pleaded not guilty, and made a statement to the effect that she never possessed any arms or ammunition and had committed no offence. She stated that

"the attache case in which the police allege that they found a brass rod is not mine and I never saw the police find anything of the kind in the room in my presence. In fact I was never allowed to leave my seat and watch the search."

Mrs. Ali was a Congress worker, and her political activities were known.

The jury found her "not guilty," and the Assistant Sessions Judge, Mr. Brijbehari Lal, agreed.

### **More "Intercepted Letters."**

When we were at Akola (Bombay Presidency), a member of the District Board informed us that a number of small shopkeepers in the town had been harassed by the police. It appears that they refused to give any further credit to the Special Police brought in to deal with the no-tax agitation. The tradesmen are not members of the Congress, but suddenly they began to receive communications through the post purporting to be Congress bulletins. Within ten minutes of these unsigned documents being delivered to a shopkeeper by a postman, a policeman would enter his premises and make a "search" and arrest the shopkeeper for being in possession of an unauthorised news-sheet or other illegal publication. We were also told that in this instance the Magistrate, the Sub-Inspector, and everyone else was satisfied that the shopkeepers were entirely innocent. The matter was therefore "disposed of" after the accused had published at their own expense in a local newspaper an abject apology—for an offence of which they were not guilty and known to be innocent!

We mention this incident here as it throws light on "intercepted letters" and articles obtained by search, which are the principal elements in the cases we have cited in this section.

## CHAPTER XVII.

### THE INDIAN VILLAGES.

"The present peasantry of Bengal are in a very large proportion taking to a dietary on which even rats could not live for more than five weeks. Their vitality is now so undermined by inadequate diet that they cannot stand the infection of foul diseases."

(Dr. A. C. Bentley, Director of Health for the Bengal Presidency, Report for 1927-28.)

"I am not sure but that works of this kind (irrigation works) are not the best testimony of British rule in India. If the aqueducts of Rome are still the great memorial of the Roman Empire in the Campagna and the deserts of Northern Africa, these works of irrigation and hydro-electric power will be the greatest memorials to the British Raj."

(Sir Samuel Hoare : Speech in the House of Commons, 29th April, 1932.)

#### (I.) A DESCRIPTIVE SURVEY.

"LONDON is the key to India," said Disraeli. This is true to a great extent even to-day, as far as the exercise of the authority of the ruling power is concerned. The maintenance of the Empire in India is, however, rendered possible by the taxes levied from the peasantry of India, and in this sense the village is the milch cow of the Empire. There are over seven hundred thousand of these villages and about two-thirds of them are in the British Provinces.

#### Rural India.

In these villages, dependent for their meagre livelihood on agriculture, live the majority of India's population,\* estimated by the Government at about 224 millions, or seventy-one per cent. of the population. Commissions and Blue Books have provided us with all the statistics that we need about India, but figures and diagrams can never convey to the Western mind the actual conditions of the Indian Village.

We propose, therefore, (I) to give some idea of the village under the economic and political system that this

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\*A great part of the town population are villagers too. The labour force in an industrial town does not become urbanised. (Cf. Whitley Commission Report.)



country has imposed on India, and (2) to narrate the story of the village under Ordinance rule\* and Police terrorism and to interpret as far as we can what the unlettered peasants of these remote, yet vital, parts of the Empire feel and think to-day.

### **Hunger.**

We were appalled at the poverty of the Indian village. It is the home of stark want. We appreciated somewhat the significance of the expression "dumb starving millions" during our tour of the Indian villages. The millions are not altogether dumb now. From province to province conditions vary, but the results of uneconomic agriculture, peasant indebtedness, excessive taxation and rack-renting, absence of social services and the general discontent impressed us everywhere. The landlord and the Government levy their tributes as rents and taxes from these villages and neither contributes much to its material welfare. In the villages we saw, there were no health or sanitary services, there were no roads,† no drainage or lighting, and no proper water supply beyond the village well, maintained in most cases by the villagers themselves. The village tank,‡ usually extremely unhygienic, from want of proper draining out, supplied the water for washing purposes.

### **Illiteracy.**

Education facilities are at a minimum in these villages. There are schools for groups of them maintained by the District Board or some similar authority who levy a cess (in addition to Government taxation). The vast majority of village children do not attend schools as they are bread winners while still very young. We saw boys of nine and ten coming out of the fields from work during the middle of the day and little girls engaged in occupations such as tending cattle. Illiteracy will not disappear from the Indian countryside until the villager can afford to dispense with the labour of the infant and child members of his family. Even when children are sent to school they are often with-

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\* See next chapter : The Village under Ordinance.

† Some of the villages we visited were ten or more miles from the nearest road. The lanes and tracks inside a village defy description.

‡ Like large swimming baths ; built in pre-British days.

drawn after a year or two as the fields or the cattle of the home demand their labour. The following figures of the age composition of the school-going population in India bear out our experience\* :—

Ages.	Total in Schools.†
Below 5 years ... ..	193,866
5 to 6 years ... ..	1,022,718
6 to 7 ... ..	1,520,069
7 to 8 „ ... ..	1,507,168
8 to 9 „ ... ..	1,305,360
9 to 10 „ ... ..	1,086,537
10 to 11 „ ... ..	899,619
11 to 12 „ ... ..	719,585
12 to 13 „ ... ..	559,280
13 to 14 „ ... ..	413,835
14 to 15 „ ... ..	291,803
15 to 16 „ ... ..	204,466
16 to 17 „ ... ..	141,620

Our tour was not of selected villages and the instances from which our impressions are drawn are random samples. The villager of the North, the South, the North-West or the East of India, presents a living contradiction to the usual estimate of him current abroad. He is very much aware of his plight and of its economic and political background. To-day he is no admirer of the British *Raj*. He also knows that the present fight will go on till *swaraj* is won. He looks on the Congressman as his friend.‡

\* These figures include the children of the well-to-do classes and the urban population. Otherwise the decline would show a more marked character. (Taken from the Indian Year Book.)

† The total number of children in schools in India under the age of fifteen is about 9,773,918. Of these nearly five and a half millions, or about half, are between the ages of five and nine.

‡ We went to a village about twenty miles out of Bezwada, walking into it some distance after we got out of a car that ploughed along rugged tracks, and alighted at a village chosen at random. The first man we met happened to be the Government official, the headman of the village. We asked him whether he would call together a few villagers for us to meet. His answer was direct. "If I call no one will come. I am a Government official, the people follow Congress." We called at one or two houses and very soon found a few men who gathered the whole village in a few minutes. They spoke in the presence of the headman, and when we asked him whether the statements were true or not he said that as a Government official he had no opinions but that he had heard no lies.

## The Voice of the Village.

The village is a homogeneous unit. It has a voice that covers the Hindu and the Mussulman, the farmer and the labourer. Neither communal war, nor class war, has penetrated it.\* It is usually prepared to fight or suffer or remain apathetic or make compromises as a whole.† Subtle arguments and the distinctions which obsess the town politician, the controversy about weights and percentages in legislatures, and the reservations for communities do not agitate the villager. While retaining the system of caste and its social divisions and its exclusions, the villager is endowed with a democratic sense, and his outlook in matters of social organisation is not individualistic. The women, particularly in the Hindu areas, are conscious partners in the awakening of the village, an awakening which has lent to the forces of resistance in India so much of its strength. The village also supplies the Congress movement with much of its fighting material.‡

## Variety of Type.

There are obvious differences between the villages of the Punjab, the North-West Frontier Province, the United Provinces, Bengal, the Tamil and Telugu country, Gujerat and Malabar. In Bengal and the West coast of S. India the typical Indian village is not the rule, but almost

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\* In the United Provinces and in the no-rent villages of Canara, Behar, etc., the villager is conscious of the conflict of interests between the landlord or Taluqdar and himself. But the farmers, small proprietors, the Zemindars in the Punjab villages and the labourers, all appeared to be part of the homogeneous village. This is what we mean by saying class distinctions are not marked.

† Mr. Gandhi in his speech at the Round-Table Conference advocated the Congress plan of universal adult suffrage and, as a method of immediately putting it into practice in the million villages and for scores of millions of voters, suggested that from every village a voter should go to the polling booth, thus giving the village a vote or so many votes instead of enfranchising each villager. He objected to this being called indirect election. The Marquis of Zetland, who as Earl Ronaldshay, wrote a book on the Indian villages, also once suggested at the Round-Table Conference the plan of electing the "voice" of the village.

‡ The volunteers of the Congress are nowadays largely villagers, and it is safe to estimate that more than half the political prisoners are from the rural population.

throughout the rest of India the village consists of several rows of dwelling places, in various states of dilapidation, with narrow lanes between, maintained by the house-holders, with a village well and perhaps the village bathing place (like swimming baths) on the outer edge. The two latter are for communal use. Around this nucleus is the cultivable land and usually, on the still further outer circle, the pasture and wooded lands. Farm-houses and watch-houses may form part of this latter section. In the Punjab and the North-West Frontier Province the houses are shut in with mud walls and the village looks like a mud-walled fortress at a distance.\* On the Malabar coast, and in Eastern Bengal and Sylhet (Assam) village life appeared different. There were houses in gardens of their own, either isolated or in groups.†

## (II.) ECONOMIC AND ADMINISTRATIVE ORGANISATION.

Under the centralised British system of rule, the Indian village is no longer self-governing. In pre-British days, the rulers allowed the village to manage its own affairs and the taxes were paid by the village collectively. The East India Company was mainly responsible for breaking up the Village Community and substituting peasant proprietorships. To-day the village head is not the leader of the people but the nominee of the British Government, the lowest link in the hierarchy that maintains the "steel frame"‡ in India. He owes no responsibility to the village, but is the tax-gatherer for the Government and in many places is village judge, magistrate, coroner and several other things besides. In

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\* Owing to the prevalence of *Purdah* in these villages and the tribal life in the proximity of the Frontier the plan and architecture of these villages approximate to that of fortresses.

† The system of land tenure in Eastern Bengal and Assam is different from that of the West coast. In both places the tenantry suffer from great disabilities and bear oppressive burdens.

‡ Mr. Lloyd George, in a memorable speech, referred to the Civil service as the "steel frame" of the Indian Constitution. The phrase is remembered by Indians as a reminder to them, that their real rulers are the Civil servants.

spite of this officialisation of leadership, however, the social and communal life of the village persists.\*

### **Economic Organisation.**

The Indian village from the standpoint of its economic organisation is either (1) *Raiyatwari* or (2) *Zemindary*. The *Raiyatwari* system is more prevalent in the Tamil and Telugu country and the individual cultivator pays revenues to the Government. The *Zemindary* (*Talukdari*) villages are the type prevalent in the United Provinces and the Punjab and the Frontier. In these places, as in the *Raiyatwari* areas, British rule has broken up the old village organisation. The heads of the villages that we visited in the North-West Frontier Province and the Punjab were called *Lumbardars* and were petty officials of the Government, while in other areas they go by different names.

### **The Land Revenue System.**

A better insight would be gained into the actualities of the Indian villagers' life by an examination of the system of land revenue in India. This again varies so much in different provinces and even different areas that it is difficult to generalise and be accurate. Broadly speaking, there are two types of revenue assessment, called (1) the Permanent Settlement and (2) the Temporary Settlement. Under the latter come the *Raiyatwari* and some *Zemindary* villages to which we have referred. The Permanent Revenue† system obtains in Bengal and Oudh. The amount of the revenue, in money, has been fixed in perpetuity and is payable by the landlord and not by the cultivator. The

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\* Recommendations were made by a Commission as early as 1908 in favour of reviving village self-government (the Panchayat) but urged caution. Recently various measures have been passed like the Punjab Village Panchayat Act, which enables the Government to establish a kind of Panchayat. There is, however, little value in the scheme, which is centrifugal in character. There is in reality no extension of self-government in the villages as some, even of our Labour politicians, imagine. An Anglo-Indian comment on the question may be quoted: "This is, however, still mainly a question of future possibilities and for the present purposes it is unnecessary to refer to the subject. . . ." (*Indian Year Book*, 1932.)

† The Permanent Revenue Settlement is often quoted as a blessing given to India by the British. Its object, however, like that of the *Raiyatwari* tenure in the south, was to create vested interests that would be loyal to the East India Company.

settlement was made by Lord Cornwallis, the second Governor-General of India under the East Indian merchants. Its object was to make the revenue farmers into landlords and to make the cultivator the tenant of this new rich class, the revenue farmers. The tenant lost the status he had in Moughal times, of holding lands from the State. The Permanent Settlement gives the tenant no relief and deprives the State of the advantages of the increase in the yield of land and of higher prices. It, however, makes the landlords of Bengal and the *Talukdars* of Oudh a very loyal class on whose support the Government relies.

In the case of the Temporary Settlement, the assessment for Government revenue is made on the basis of gross produce once every thirty years. It is claimed that the tax works out at from 25 to 50 per cent. of the rental in the case of *Zemindari* lands and about a fifth of the gross produce in the case of the *Raiyatwari* lands. This, it is argued, is light taxation, but no real perspective of the situation can be obtained from these percentages. On these lands the peasant and his family labour, and ill-paid agricultural labourers eke out their miserable existence. In many cases the investments or income of an urban dweller in the family contributes towards capital expenditure or to paying interest to the moneylender.\*

### The Incidence of Taxation.

As far as the villager is concerned the burden of taxation and the landlord's exactions are crushing. The land tax is now a provincial head of revenue and is estimated to yield about twenty-eight million pounds sterling annually, just below a fifth of the total revenues of India, Central and Provincial. It is paid by the cultivator direct or through the landlord. The landlords' incomes escape taxation, as income derived from land is taken to have been already taxed at the source.†

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\* In Gujerat Government dues are often paid out of the earnings of villagers who are in small business in South Africa. The better-built houses in Gujerat villages have been financed by South African Indians who emigrated from Gujerat.

† The landlords do not pay income tax. The land revenue is collected from the tenant either by the Government direct or by the *Zemindar*.

The total net expenditure on agricultural departments from central and provincial revenues is about £800,000 per year. Government works irrigate about 30 million acres of land, while more than 26 or 27 million acres are watered by canals, wells, and other privately owned sources. The expenditure on Government irrigation is about 136 crores\* of rupees, yielding on the total outlay  $5\frac{1}{2}$  per cent. profit. The peasant pays for every gallon of water which he is allowed, and considering that that part of the total capital expenditure, which yields the  $5\frac{1}{2}$  per cent., is on unproductive works, yielding no more than one per cent. profit, the water supplied is none too cheap.† As against these figures of agricultural expenditure, we have as much as 55 million pounds spent annually on military and debt services. Agrarian discontent, consequent on failure of crops, falling commodity prices, Government's revenue policy and the awakening among the villagers, is making the "pathetic contentment" of the traditional East a thing of the past. In the United Provinces and the North-West Frontier Provinces, the discontent of the peasantry had resulted in organised protests, and in the former it had reached what the Government called a state of "agrarian revolution."‡ In Bengal, there is far greater mass awakening and discontent in the villages than is usually known. Terrorist murders or arrests eclipse other items of news about this Presidency, and it is sometimes believed, and more often circulated, that apart from terrorism there is no movement of importance in Bengal. In this agrarian upheaval, the Government and landlord are aligned on one side and the peasantry on the other.§

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\* A crore is ten millions. A crore of rupees would be approximately £750,000.

† Speaking about the Sukkur Barrage, Sir Samuel Hoare said: "It is hoped that the net revenue will give a return on capital of 5.83 per cent., ten years after completion, and 9.78 per cent. thirty years after completion."

‡ The United Provinces Government in several published statements admitted that conditions had reached the state of an "agrarian revolution." It blamed the Congress for fomenting the revolution.

§ Mr. Gandhi, in his letter to Lord Irwin of the 2nd March, 1930, before the inauguration of the first Civil Disobedience campaign, said: "... Even you, among others, cannot help appealing to the wealthy and the landed classes to help you to crush that attempt in the name of an order that grinds India to atoms."

### (III.) PEASANT, LANDLORD, AND THE GOVERNMENT.

"Famine" had not been officially "declared" in any part of India, when we were there, but if famine means hunger and want, the masses of the people of India are never free from it. The Marquess of Linlithgow, who was chairman of the Royal Commission on Indian Agriculture, refers to this fact in cautious language when he says, "Measured in terms of livelihood, at the disposal of the individual, India is a poor country."\* He proceeds to add: "... Those who govern and those who aspire to govern India must never allow themselves to forget that India's wealth, in an overwhelming degree, is in her agriculture, and that upon the fields of her cultivators is founded the whole structure of India's economy."\*

#### **Famine Conditions.**

In the United Provinces, "Famine" had not been declared, but we went into village after village where the peasants showed us crops which could not yield anything more than a 25 per cent. to 50 per cent. harvest. At the time we were there official inquiry was in progress, and we were informed by one or two District officials that "famine" was not yet. If famine is officially declared taxes cannot be collected. Whole districts around Lucknow were in a very bad state, and while the Ordinances stifled discontent and the restrictions of movement to and from villages made organisation impossible, the economic factors continued to operate and the masses knew their plight.

In the Punjab, where millions of acres are irrigated by Government works, there were complaints of drought both from Moslem and Sikh cultivators, who also pointed out that water rates were high, the system of water rate assessment iniquitous and the supply insufficient. In Gujerat, crops were better, but repression had laid desolate some fields and was allowing the crop in others to rot. In the villages of South India, we saw no failure of crops on any appreciable scale, but poverty, the normal state of affairs in the *raiayatwari* villages as much as in the *zemdinary*

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\* *The Indian Peasant*, by the Marquess of Linlithgow. (Faber & Faber, London.)



ones, stalked naked. In the United Provinces, we found people were eating berries which are known to be injurious to the body.

### **Backward Agriculture.**

Men, women and children work in the fields, farms and cowsheds. Some are hired labourers, paid mostly in kind, for about four or five months in the year, others are tenant farmers or small proprietors. But all alike work on meagre food and comfort and toil long hours for inadequate returns. Agriculture in India is uneconomic in the existing state of affairs, and it is only this low level of living that makes it possible to till the fields at all. It is a vicious circle which can only be broken by an enlightened and scientific policy, a planned economy, and the insistence that peasant interests must take precedence over all others. If the Indian people are to be given a more liberal supply of food, or their standards of life are raised even slightly, and agriculture is not at the same time developed appreciably, the problem of India's food supply will become an acute one.\* As Lord Linlithgow points out, this is one of the most pressing problems of a future Government of India. With the mass awakening now begun, it is very unlikely that the people will, for ever, be content to accept semi-starvation as pre-ordained and unalterable.

### **Uneconomic Agriculture.**

Some idea of the uneconomic nature of Indian agriculture will become apparent when it is realised that Australian wheat is sold, in the wheat-growing areas of India, cheaper than Indian wheat, although Australian labour is probably twenty times as dear. It is calculated that it takes as many as forty-five Indian agricultural workers to do the work which one American farmer does aided by scientific organisation and machinery. In India, even in a good year, the returns from agriculture give the toiler a bare subsistence. If crops fail, the peasant alone, or mainly, suffers. Taxes have to be paid; remissions being rare and belated, and agitation always put down on political grounds. Dues are

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\* This is not an argument for keeping the people starved, but it shows the imperative need for agricultural reconstruction and progressive development.

paid by incurring more debts, more mortgages, and sale of stock, such as animals and seed. In the Punjab, the headman, of a village, just outside Lahore, who, incidentally, draws the magnificent sum of four rupees a month as his salary and pays for the entertainment of officials out of it, told us that during the last few years he had paid his dues by selling his cattle and by earning money by transport labour in the town. Taxes, however, have increased in recent years.

The following set of figures, which we collected from cultivators in the United Provinces, indicate the recent increase in dues and the fall in prices :

#### VILLAGE OF SAHRWA.

##### Figures showing Increase\* in Dues.

Name of Peasant.	Age.	Acreage.	Former Rent.	Present Rent.
Payaga ...	50	16 Bighas†	Rs. 12 & Rs. 16 (Two fields)	Rs. 21 & Rs. 31
Bachai ...	35	3½ „	Rs. 18	Rs. 36
Pudan ...	50	6 „	Rs. 19 & Rs. 6 (Two fields)	Rs. 21½ & Rs. 8½
Bacha ...	35	13 „	Rs. 32	Rs. 100

##### Figures showing Fall of Prices and Crop.

Produce.	Expected Crop.	Estimated Price.	Crop.	Price.
Mothi ...	8 maunds†	Rs. 6	16 maunds	Rs. 16
Barley ...	6 „	Rs. 4	15 „	Rs. 15
Wheat ...	4 „	Rs. 4	12 „	Rs. 16
Bajra ...	3 „	Rs. 2	12 „	Rs. 16
Total ...	21 maunds	Rs. 16	55 maunds	Rs. 63

The owner of the land to which the above figures apply is a Brahman and does not therefore work on the land.

\* The increases took place in 1930, a year of bad crops. The soils of the fields are different. The first three are sandy (Balvi) soil, while the last is red or Kora soil. Balvi is suitable for maize and bajri and a little wheat, but Kora soil is suitable for gram, barley and wheat.

† A bigha is roughly half-an-acre.

‡ A maund is 40 seers, or approximately eighty pounds.

He employs two people, whom he pays for four months in the year at the rate of 2 seers\* of grain per day. There are two bullocks to be fed; the stalk and grass of the crop provides some of the fodder. The Brahman earns money as a priest, and this helps him to own the farm and pay his rents and taxes.

### Peasant Indebtedness.

The grip of the moneylender on the Indian peasant is well known. Exorbitant interests, varying from 12 per cent. to as much as a hundred per cent. or more, make the conditions of indebtedness chronic, and it is handed on from generation to generation. The peasants in India take on the debts of their fathers, even if there is not a legal liability to do so. The moral responsibility is good enough as a bond; if the claim is not admitted further borrowing would be impossible. Both land and buildings are usually heavily encumbered and cattle are mortgaged.

In several villages in the North-West Frontier Province, the Punjab, Gujerat, the United Provinces and the Telugu districts of Madras, we put the question to groups of villagers, and frequently to large gatherings, how many of those present were in debt. The answer almost always was, "All." In Kareli, in Gujerat, there was no one in the gathering who was not in debt; in Shamapur, near Delhi, in Uthurbhara (U.P.), in Urmur in the N.W.F.P., and at Kovale near Ellore, to cite instances from the different Provinces, every one was in debt. The indebtedness is so heavy that without radical changes in the law, the revenue system and agricultural organisation, no substantial improvement in the condition of the peasant is possible. A cultivator at Kovale, to whom we spoke, had twenty acres of land. The taxes amounted to Rs. 120 a year. Failure of crops, death of animals, and low prices have decreased his income considerably. He owes debts to the extent of Rs. 3,000, on which he pays Rs. 350 a year as interest. This is a very moderate rate of interest. Debts are owed not merely to the professional moneylender, but to the landlord, the Government, to mortgage holders and to town shopkeepers.

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\* A seer is about 2 pounds.

## Parasites on the Land.

The State and the landlord appear to us to be parasites on the village, the latter more than the former. The landlord is an absentee, and a rentier; the improvements the tenant makes are to *his* land, and he demands enhanced rents, while he does not lose by low prices or the failure of crops. The *Talukdars* of Oudh, who may be taken as typical instances of parasite landlords, live luxuriously in their town houses, in capitals like Lucknow, and are gentlemen of leisure. They are supporters of the Government, and their lavish displays of hospitality are proverbial, but it is the tenant who pays for it.

Taxes and rents are calculated on the gross produce of the land, and under the uneconomic system of agriculture obtaining in India, which needs forty-five men to a task which in the U.S.A. needs only one man's labour, the expenses of cultivation are comparatively large. The risks are also entirely borne by the cultivator. The government claims its land revenue and the landlord his rent. It is officially stated that the revenue does not exceed one-fifth of the gross produce, but our Indian friends seemed to think that it was often nearer a third than a fifth.

In Provinces, like Bengal, the landlord, under the Permanent Revenue Settlement, takes four times as much as the Government. A Government resolution referring to Bengal says: "So far from being generously treated by the Zemindars, the Bengal cultivator was rack-rented, impoverished and oppressed." In the United Provinces, in one village which we visited, out of 27,000 rupees paid in rents and taxes 17,000 goes to the landlord and 10,000 to the Government.

## The Government and the Cultivator.

A certain amount of legislation has been passed during the last fifty years, without which, the tenants' plight would have been worse than it is now. Among these may be mentioned the Oudh Tenancy Act, which checks the enhancement of rent and eviction.

On the constructive side, the achievements of the State are meagre when compared to the extent of the problems

with which they purport to deal and the distress of the masses. Government projects include :

1. Agricultural colleges and farms.
2. Issuing of improved seed, plants, implements, etc.
3. Seed farms and stores.
4. Co-operative societies.
5. Government loans.

Measured in results, as shown by Government statistics, there are twelve million acres of land under improved crops, and twenty-seven thousand improved ploughs, sold by the Government Departments, in use. There are also 73,000 agricultural co-operative credit societies and about 30 million acres of land are irrigated by Government works.

The approximate total acreage of land under cultivation, each year, in India, excluding fallow, is 228,160,853 acres, and it may be estimated that there are about fifty million ploughshares in use in India. There are also 500,000 villages in British India which require an equitable credit service. At least 150 million acres of land which are cultivable have yet to be brought under use.\* These figures show the extent of the problem. The Agricultural Commission, while recognising the work done by Government, has pointed out at some length what remains to be done.

Even more regrettable than the inadequateness of achievement, in quantity, is the isolation from the villager, in which the Administration thinks and functions. Even its good works are conceived in inaccessibility and operated in forbidding red-tapeism. They yet remain to be popularised and rendered accessible to the villager, and his interest and pride in them harnessed to constructive achievement.

#### (IV.) THE VILLAGE OF UTHURBHARA.

A picture of the realities of the Indian village, as it is, would perhaps be best conveyed by the following account, which is the result of our inquiries in one village and the facts and opinions given are as given to us by villagers, several of whom were questioned by us. The statement was taken in the presence of a number of householders,

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\* We have already given the figures of expenditure on agriculture and of the finance of irrigation.

and on most of the points we asked the gathering whether they agreed with the statement just made, to which they either nodded assent or gave some additional information or further elucidated some point.

The village of Uthurbhara has about 8,000 bighas of land, of which 5,000 bighas are not cultivated. A hundred bighas are cultivated directly by the Talukdar (landlord), while the remaining 2,900 bighas pay a rental of 27,000 rupees, of which ten thousand goes to the Government and the remainder to the landlord. In addition to this he takes about Rs. 5,000 by the sale of fish, produce of trees and grass. These latter belong to the Talukdar, as the land is his; the tenants have only rights to the crops they raise. The rental is collected in two instalments. The village also pays a cess of Rs. 125 to the District Board.

The crops include wheat, barley, gram, linseed, pulses, rice and coarse grain.

There are over five hundred householders, one hundred of whom are mere labourers who do not own any land. The rentals paid vary from Rs. 8 to Rs. 221 per tenant. Every one of the villagers is in debt, to the village moneylender, the outside moneylender, the Talukdar, the Government; one, some or all of them.

The Thakavi (Government agricultural loan) allotment for the village is Rs. 1,000 for the year 1932. It is realised when the crop is harvested. This loan may be used only for agricultural purposes.

There is one man in the village who has borrowed Rs. 40 for his son's marriage, and he is the richest tenant. All his other debts were contracted for agricultural purposes.

This year's (1932) yield of the crop will be only as much as the seed sown, in the fields where there are water facilities, and less in the others. There are insect pests, there is no canal water, and the wells have dried up. If more wells are sunk adequate water supply can be assured. There is no Government irrigation at all.

Inside the village, beyond the Government loan, the Government renders no assistance and performs no service.\*

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\* This refers to the absence of social services. The village, of course, receives the benefit of All-India services such as an Administration, an Army, etc., and this is the Government's case for taxing the villager, whose direct taxes alone make about a fifth of the total revenue of the Government in India.

There has been a remission of revenue of five annas in the rupee in 1931.

The school (which we saw) is run by the District Board. There are seventy-two children, out of which twenty-five belong to the village; the rest come from outside.\* A fee of one anna to two annas a month has to be paid. At least a hundred children† do not go to school as they must work in the field. Besides, their parents cannot afford to pay for books, etc. In spite of the desire to send children, the villagers cannot do so, as without the children's work they would have to hire labour.

The rent groups are as follows:

2 cultivators pay above 200 rupees.					
50	"	"	between 150 and 200 rupees.		
100	"	"	"	100	" 150 "
200	"	"	"	50	" 100 "
50	"	"	under 50 rupees.		

The rents were enhanced by one-third in 1930, but there was no enhancement in taxation. The Talukdar raises his rent once in ten years, the Government's taxes are revised only once in thirty years.‡

During the last ten years the Talukdar has done nothing for the village. Two years ago, a dispensary was opened, out of the proceeds of the fine collected from a tenant. The Talukdar fines people for breaking moral laws§ (cases of abduction, etc.). He has also given bricks, for building wells, to two tenants. The wells belong to the Talukdar, whoever builds them. Tenants can only sink wells with his permission.

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\* There are no schools in some villages. The outside children are those from such villages. It is well known that in India small children often have to walk several miles to the nearest school.

† We think this is a gross underestimate. The actual number is probably four times as much.

‡ We mentioned this fact to a District official, who disputed it. We were told that the law regulates the rents payable to the Talukdar and that it bears a certain relation to the Government's share from the land in question. Also that the Talukdar's levies are supervised. The account given is the tenants' version, and they were speaking to us not of general conditions, or of the legal requirements, but their own experience. We mention both sets of information; there may have been some genuine misunderstanding; or some leakage in the system.

§ This is the way it was put to us. We asked what they meant by "moral cases," and they gave cases of abduction as an instance.

There are thirty Moslem houses. None of the Moslems are peasants, they are craftsmen. There is no quarrel between Hindus and Moslems, and there never has been any such quarrel in the village.

There are twenty-five spinning wheels. The spinning organisation has broken down.\* Everyone has heard of Congress, and in the opinion of the villagers gathered "everyone" is for Congress at heart. Twelve men went out as volunteers and were beaten four times. After that there has been no Congress activity in the village. Half of the people are indifferent to Congress, because of fear. People from the police station have come to the village and taken people and beaten them severely. People are afraid to talk.†

For three months the village was under Ordinance; not more than five persons could meet together. During that period police threatened people with beating and beat some whom they arrested.

If the Deputy Commissioner comes to the village, people will go to see him in the hope that there will be a remission of taxes, but, in their hearts, they will welcome only Congressmen "who stand for us."

This year's rent cannot be paid out of the sale of crops, and they did not know how it was to be paid.

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\* The *khaddar* organisation in the village broke down owing to Government reprisals against Congress volunteers. People were not allowed to enter the villages, if there was any suspicion against them, and generally all outsiders were kept out. The spinning in the villages cannot carry on unless there is the organisation to supply the cotton, market the yarn, etc.

† We found that the people were afraid to talk to us, and it was obvious that the village had been terrorised by the police.



## CHAPTER XVIII.

### THE VILLAGE UNDER ORDINANCE.

" . . . Upon the whole, the police have acted splendidly. They have acted often under the greatest provocation. They have acted against tremendous odds at great risk to their own lives and to the lives of their own families, and they have acted, speaking generally, with admirable restraint and conspicuous moderation."

(Sir Samuel Hoare, Parliamentary Debates, 29th February, 1932.)

" Hereafter the Members of the Legislative Assembly, especially those who live in villages, will be at the mercy of the village officers and village *chaprasis*. . . . Hereafter, we, M.L.A.'s, will have to play to the tune of these village officers, and hereafter, we M.L.A.'s will have to keep the village officers in good humour lest we should come under the provisions of this clause. Not only we have to humour the village officer, but also his relatives and any member of his family. . . . By this enactment what the Government are going to do is to terrorise Indians and to terrorise our souls. Government talk of terrorism in India, but who are the real terrorists in this country? It is the Government who are the real terrorists in this country."

(Uppi Saheb Bahadur, M.L.A. (Moslem), Legislative Assembly Debates, 24th November, 1932.)

#### (I.) WHAT THE PEASANT THINKS.

**T**HE avowed purpose of the Ordinance rule is " to prove that Civil Disobedience cannot succeed against the organised resources of the State."\* In actual operation, the vast powers given to the executive and Police and Revenue officials have been used on a large scale, and with little restraint, against masses of the people. Its aim, and its effect, after many months of continuous repression, has been to terrorise the villager either into submission or into sullen discontent. In the village, the struggle between Government and Congress is more acute than in the town and city, it affects a larger percentage of people, in any given area, and it is more grim. In cities like Bombay or Ahmedabad, while both resistance and repression have been determined, large sections of the people are still outside

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\* Sir Samuel Hoare in the House of Commons. (Hansard, Vol. 267, No. 120.)

the ranks of the actual combatants. In the village, however, owing to its more homogeneous character, its village sense, and the character of Ordinance and Police methods, the village as a whole is terrorised, suppressed or fighting. Some features of Ordinance rule and Police excesses and their results are similar to what obtains in the urban areas, and we do not propose to multiply instances of such.

### Principal Features.

Among the items that, in our view, merit special attention and are discussed in the successive sections of this chapter are :

- (a) Village Opinion.
- (b) Village Resistance.
- (c and d) { Punitive measures and excesses.  
The Consequences of the Repression.

Men and women have allowed their ancestral lands to be pillaged and sequestered, their houses looted and their furniture to be broken up, when a formal apology or some indication that they were opposed to Congress would have obliterated all this and in addition brought them material advantages.

### Bardoli.

The villages have persisted in their resistance. Bardoli is a typical instance. The Government point to it as a success. Mr. Clee, of the Bombay Government, who did not appear to share the facile assumption that "Congress is crushed," pointed to Bardoli and said rents are coming in. The Collector of Surat claims a success in that he has collected revenue in Gandhi's own Bardoli. It is true that in 1932 Government collected revenue from the *Taluka*. We shook off our police shadows when we went into the villages of the *Taluka* and saw things for ourselves.

Bardoli has maintained its resistance for over a decade. During this period it has seen repression of the worst kind. Once, when the issues involved were investigated by Government, the findings justified the position taken by the villagers and the Government revenue policy was found to be in the wrong. To-day, part of its lands have been sold to outside capitalists, who have bought them for ridiculous prices. They are, of course, the Government's men, not

villagers. Some of the inhabitants have left the village rather than pay. There are still others who have allowed themselves to be reduced to beggary rather than yield. Houses remain sealed, and crops, as at Ras, cannot be reaped.

### **The Village and Politics.**

The Simon Commission expressed the view that "while abstract political ideas may leave him (the villager) unaffected, the personality of a leader, such as Mr. Gandhi, will make a great appeal." The Commission also says that "the politically minded in India are only a tiny minority, but they may be able to sway masses of men in the countryside."

The assertions are true in a measure. The masses are behind the politically-minded, but we did not find them apathetic to the great issues before the country. They were illiterate but by no means unintelligent, or un-receptive to ideas. The awakening in the villages is no doubt to a great extent due to personalities like Gandhi, Abdul Ghaffar Khan, Vallabhai Patel, Purshottamdas Tandon, Jawarhalal Nehru, Kellapan, and others. But these men have made their appeal on the basis of ideas and facts. Not all of them have an all-India or international reputation, nor are all of them reputed for the saintliness that Mr. Gandhi has.

We tested for ourselves in a number of places the extent to which the villager has appreciated the issues, and understood the causes, in the pursuit of which his property and person is being subjected to losses and risks. In a Madras village, we spent quite a long time in questions and cross-examination of villagers, individually and in a gathering, and in talking with the village official. We found that the economic and social issues were very live ones. We heard about poverty, taxation, foreign exploitation, neglect of education and all the other factors that are at the back of India's resistance. We found out that the villagers knew what the Congress stood for, and also that they had no illusion about the enormity of the task before the country. They knew it would mean suffering, perhaps for a long time.

## **Swaraj.**

We went on to talk about *Swaraj* and why they wanted it. We suggested in great detail that their conditions would be better if they had more schools, roads and other facilities, if their taxes were lightened, and that to win *Swaraj* was merely a political business. We expected this to go down and to be told that the material improvements we suggested were all that they really wanted. Instead, an old man who was a working agriculturist himself, told us that *Swaraj* was a matter of self-respect, freedom, and self-power.\* Also he felt quite sure that without "self-power" the conditions which we had mentioned would not be obtained.

## **Economic Issues.**

In Allahabad the peasantry, who showed us their crops, which they said were "all grass and no grain this year," knew how, ultimately, the economic plight was connected with politics. We were pointedly asked, in a village near Allahabad, why rents of landlords should be collected by a policeman, and whether a body of people who did not fight obtained anything for themselves. It was also a revelation to us that the Indian peasantry, who are so dependent on the monsoon and the bounty of nature, who still cultivate their land and order their lives on ideas and views which are intertwined with their Faiths, now thought in terms of improvement by social effort. The Indian peasant does not now think that the causes of famine and drought are beyond remedy, though perhaps he does not know just what that remedy is and how it should be applied.

## **Some Statements.**

An aged partly blind lady,† who lives with her daughter in a thatched hut, formerly a neighbour's cowshed, discussed *Swaraj* with us. Her lands have been confiscated ;

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\* He used the words *Swathanthriya* and *Swashakti*, which mean freedom and self-power. This was in a Telugu village.

† At Khojhpardi, in Bardoli.

she, however, refused to run away from the village. She said :

" I am happy that the land has gone. We are still for Congress. Mahatmaji has ordered us not to pay taxes. I cannot be on both sides (Government and Congress). Congress is for making us independent. We do not want to live under this Government. If the others, the men of this village, wear bangles,\* what am I to do ? "

*Koholo Raghala*, a *Chodra*, a hill tribe similar to the *Bhills*, spoke to us about Congress and the Mahatma. Raghala wears *khaddar*, is a Congressite, and has given up drink. The Mahatma, he said, lived in his hut, seven years ago. Other Congressmen also have lived in his hut on several occasions. He said : " To me a Congressman is a Gandhi man. That is all I know. I want to do what Gandhi says, but the memories of beating restrain me. "

We discussed Civil Disobedience and the non-payment of taxes with a no-taxer, *Isuharabhai Mundas*, aged 60, of *Sunav* (*Kaira District*). He said :

" The Government is entitled to taxes, but why do they put Mahatmaji in jail ? "

We followed up the remarks with a number of questions, which he answered. We reproduce them here, as they tend to show the extent to which the villagers appreciate the issues involved. *Isuharabhai Mundas* was not a specially selected witness, but one from a crowd. He was not a specially sophisticated individual, but an average Gujarati farmer.

Question : If Gandhiji breaks the law, what else can any government do ?

Answer : But there are too many laws. Government is both a trader and a ruler. That is not good. It must be one or the other.

Q. : If you encourage boys to break laws, will it not lead to difficulties when *Swaraj* comes ?

A. : But this Government is bad. Monkeys destroyed the Lanka of *Ravana*, but not the *Ayodhya* of *Rama*. This Government is bad. It is bad because the people get no bread under this Government. Everything belongs to it and nothing is ours.

Q. : If the Government remits 75 per cent. of the land revenue and opens hospitals and provides for all comforts for villagers, will you be satisfied ?

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\* This expression means, " If they are cowards. " She was referring to those who had submitted to terrorisation. Her own menfolk had refused to surrender. This village had been cowed down by terrorism. People were tired of fighting. They were still opposed to the Government but were afraid even to talk.

A. : This Government cannot be trusted. They will again do the same thing as now.

Q. : But will you have a bad *Swaraj* Government or a good British rule?

A. : If there is *Swaraj*, in any case all our money will remain here with our brothers, if not with us. But now they take everything to *Vilayat* (England).

### Ras.

In Ras, where all the cultivable land has been taken from the villagers, as they are no-taxers, and part of it confiscated, and the "Congress House" seized, the women told us "every house is a Congress House." They also asserted with emphasis that they would not "give in" till the freedom of India was won.\*

The village view of the Police is that they are an oppressive force, and in our own experience there was not one village which looked on the police as a force that protected the people.

### Kareli.

"We do not want a *thana* at all."

"The police are here not to protect but to beat us."

These statements, made to us by villagers at Kareli in the presence of Head Constable Ahmed Mian, might be taken as expressing the general view. They added that some years ago there was fear of dacoity, and the village undertook its own defence. There are only two persons in the village with licences for firearms, and they are "Government men." The police have never been attacked, and the Head Constable confirmed the statement that the people were peaceful.

## (II.) THE VILLAGE AND CIVIL DISOBEDIENCE.

The Civil Disobedience programme in the villages, and the methods of resistance employed, are of a two-fold character, indicative, at once, both of the causes of the Indian unrest and its present objectives. On the agrarian side, rural India adopted the non-payment of agricultural rents and taxes; and on the political side it carried out the general Congress programme of boycott and disobedience of law, both of which were practised with loyal adherence to the doctrine of non-violence. Villages, nearer the forest areas, also included the breach of the Forest

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\* We have described the conditions in Ras later in this chapter.

Laws as a part of their programme. The defiance of law is usually symbolic, and there is no attempt to create disorder.

### **The Awakening in the Villages.**

The moral support given by villagers to the Congress, and to the national movement generally, is a marked feature of the political situation in India. Much of the rural awakening has begun to find orientation and leadership in the village itself, while the methods of Congress organisation, and the attitude of the volunteers, makes the village a significant item and not merely useful ballast. The village is also conscious of the issues involved, and it understands the main features and consequences of the activities and the risks involved. Loyalty to the Congress is spontaneous, and the official story of paid volunteers and Congress intimidation is unfounded. The best reminder of this loyalty of the masses is seen in the total failure of the *Aman Sabhas*, "Loyalty Leagues," and officially organised meetings and conferences. These ventures are not merely viewed sceptically, but laughed at. In the United Provinces the Government has made very sustained efforts and harnessed to it the support of landlords, loyal Indians, school teachers and officials. But the Congress is still, in the people's estimate, their organisation. Another piece of evidence is the sacrifices which the villager makes. The Government view is that the Congress was exploiting the economic situation and fomenting discontent. The situation in the United Provinces, where the peasantry had organised themselves, was regarded as grave, and the Government looked upon the action of the Congress in organising the peasants as a hostile act and as a preparation for "war."

### **Official View of Present Trouble.**

During the Truce period the Congress endeavoured to act as intermediary between Government and the people, and the exposition of Congress policy, and its interpretation of the Truce, amounted in the Government's view to preparation for hostilities. The Government case in this respect has been set forth in "East India (Emergency Measures), 1932. Cmd. 4014."

Pundit Jawaharlal and Vallabhai Patel, who were the main leaders of Congress when Mahatma Gandhi was in London, and their lieutenants are charged by Government

with campaigning in preparation for a renewal of Disobedience, and in evidence of its allegation it cites Congress statements, as, for instance, extracts from the All-India Congress Committee's circular, dated 10th March,\* signed by Jawaharlal Nehru :

"It is vitally necessary that you should take immediate steps to consolidate the position gained by the Congress during the last year and to strengthen it still further. The immediate action to be taken is to send out our workers, those who have been discharged from jails and others, to the villages to explain exactly what has been done in Delhi, further to see that there is no harassment or oppression of any kind in the rural areas."

"If we now establish firmly definite centres of work and activity in rural areas we shall strengthen our organisation and prepare the people for any contingency that might arise. I need not tell you that the provisional settlement at Delhi means a truce only and no final peace. That peace can only come when we have gained our objective in its entirety."

The Government also argues that by the middle of April (1931) the Congress was pursuing a definite policy, the objects of which were :

- (a) To consolidate and extend Congress influence in rural areas in preparation "for any contingency that might arise," the settlement being regarded as a truce only;
- (b) To intervene between Government and landowners in regard to the payment of land revenue and between the landlord and the tenant in regard to the payment of rent; and in effect to carry on with an ultimate political purpose, under the cloak of the relief of economic distress, a campaign against the payment of land revenue and rent;
- (c) To establish institutions parallel to those of Government where conditions were favourable.

### The Charge.

The gravamen of the official charge is that the Congress was acting as an intermediary between Government and the people. Referring to a manifesto issued by Mr. Gandhi, which was sent to Sir Malcolm Hailey, the Governor of the United Provinces, beforehand, it says :

"But the chief mischief of the manifesto lay in its assumption that Congress was an authority competent to decide what rents should or should not be paid, to adjudicate disputes between landlords and tenants, and to receive complaints against the former lodged by the latter."

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\* The Congress was at that time assisting in the collection of Revenue as a result of the Irwin-Gandhi agreement. The agreement did not preclude Congress organisation in the villages, and, indeed, in view of its being intermediary between peasants and the Government its organisation work was a natural consequence.



The Government also took exception to what it alleged is the Congress attitude to the landlord, and in his address to the Legislative Council, on July 20th, Sir Malcolm Hailey said :

" Tenants, already troubled by the economic distress, were told that landlords are parasites, that their only hope for the future is in a peasants' and workers' republic which will abolish landlords, and that landlords who resist Congress now will be ' swept beyond the seven seas.' Again I refrain from applying an epithet to this line of action. Once more: when certain newspapers are allowed to tell the world that landlords habitually perpetrate nameless horrors on tenants, that in order to force the payment of rents they have habitually been burning villages, maiming peasants, and raping their women, then clearly there is something far beyond a mere desire to find a remedy for the economic distress of tenants. Once more I refrain from applying any epithet to this attempt to spread class hatred through the countryside."

### **The Ordinances.**

As has been pointed out in Chapter III, the situation had gone from bad to worse, and Ordinances were promulgated in the United Provinces on the 14th December.\*

The Congress side do not deny, nor have they attempted to conceal, the fact that it regards itself as the representative of the people, and particularly of the peasantry. It, however, denies that it violated the terms of the Truce or that it incited the people to violence.

The main centre of the agrarian movement is the United Provinces, but it spread to every Province. Ordinances, promulgated for all India, were brought into operation, and the provisions of the ordinary law, notably the Forest Laws, were pressed into service on a mass scale.

With the promulgation of the Ordinances and the termination of the Irwin-Gandhi Truce, the no-rent and no-tax campaign was definitely adopted by Congress as part of the Civil Disobedience programme.† The Congress organisation, which had ramifications in thousands of villages, received instructions from the All-India Congress Committee about the items of Civil Disobedience that were permitted to be practised. The adoption of particular items and plans were left to the local and Provincial committees. Refusal to pay rents and taxes, which in normal times would be matters for the courts, were now dealt with under Ordinance procedure.

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\* Mr. Gandhi was in London at the time.

† Cf. Chapter III. Congress resolution, January, 1932.

### **The Agrarian Issues.**

Under the system which obtains in India in some areas, the Government is the landowner. In Gujerat, for instance, we were told all land is owned by the Government, from whom the cultivator holds it. When rents were withheld from the Government, attachments of movable and immovable property were effected, and in areas and cases where resistance was particularly strong seizures and confiscations took place. The tenants who were thus displaced have held their lands for generations, and in all but Revenue Law it is their land, for which they pay Government certain dues. Confiscation, therefore, in their view is a form of political reprisal. The official argument, which was explained to us by a District Collector, is that the tenant holds the land on condition of payment of rent, and if he refuses the payment his right to hold lapses, and it is open for the Government to take the land and do what it likes with it.

### **Use of Political Weapons.**

While the rent and tax strike was in progress, Civil Disobedience villages sought to intensify their resistance to the Government by the adoption of political weapons also. Village officials, particularly in Gujerat, resigned, orders about meetings and processions were defied, and Congress volunteers courted arrests. The Government met both the economic and the political protest in the same way as in the first half of 1932. It extended to the landlord all the protection it could give, and where rents were payable to the landlord it made these dues "notified liabilities" under the Ordinances, failure to pay which would be dealt with under Ordinance procedure. Thus the collection of landlords' arrears became no longer a matter for the civil courts, but a political issue. In the debate on the Ordinance Bill in the Assembly, Sir Harry Haig drew attention to this as an argument in support of the Bill.

Armed policemen, whom we saw in the villages, watched and dealt with political activity, and along with revenue officials engaged themselves in rent collection. In the carrying out of its policy, however, the conduct of the Police and the Executive does not show that what was aimed at was the realisation of arrears of revenues.

## The No-Tax Campaign.

The no-tax campaign was pursued on a mass scale in the Allahabad and Rai Bareilly districts of the United Provinces, in the Kaira and Surat districts of Gujarat, in the Canarese districts of the Bombay Presidency, in certain areas of Bengal, such as Contai, Midnapore, and Tamluk, in Bihar, and in the North-West Frontier Province. In the rest of India, this item of the Civil Disobedience programme was not widely adopted, and where it obtained it was a matter of individual rather than mass disobedience.

We visited villages in all these areas and made close investigations. The campaign was still in progress everywhere except in the United Provinces.\* Gujarat, Bengal, and the North-West Frontier Province had suffered the most. In the villages in these areas Government servants resigned their posts and cultivators allowed their land to be seized. The extent of the movement may be gauged from the following figures taken from a number that we collected. In the United Provinces, in the district of Cawnpore, in one Tashil alone 209 summonses had been issued, 298 attachments made, and 44 auctions had taken place.

In Ankola Taluk (Bombay Presidency), out of 40 major villages, 26 had taken up the campaign in the first six months of 1932, and 11 out of 63 village officials had resigned.

In Ras, 16 police encampments, in which were posted parties of armed police pickets, encircled the whole cultivated area. Out of 2,600 acres, 500 acres had been confiscated and sold and 900 acres seized but not sold at the time we were there.

In Sisri (Karwar District), 19 persons withheld payment of first instalment in 1932, over a hundred withheld the second instalment, and 210 attachments were made.

At Siddapur (Canarese), 233 persons withheld payment of first instalment and 450 of the second instalment; 200 attachments were made.

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\* In the United Provinces the drastic operation of the Ordinances, preventing workers from going into the villages, the arrest of all workers in the villages, and the severe handling of demonstrators in the villages, was followed by concessions to the villages. We were told that the Government, after delivering its blow against the Congress, made greater remissions, in many cases, than were demanded by Congress at truce time as a means to maintain peaceful relations.

In the *Broach* District, 370 acres of land in Jambusur taluka and 245 in Uber had been confiscated.

In the Bengal Council the Revenue Member stated that 261 estates had been sold for not paying the September instalment of the Land Revenue.

In the *Kaira* District about 800 attachments had been made in the first seven months of 1932.

These instances, which are taken at random from different parts of the no-tax areas, indicate the extent of the no-tax movement.

The Government measures included :

1. Proclaiming that landlord rents may be recovered as land revenue.
2. Police camps.
3. Special attachment officers.
4. Blockading of villages.
5. Prohibiting reaping of crops.

Apart from these measures as sanctioned law, as under the Ordinances, the police terrorised the villages, and landlords took the law into their own hands and smashed up tenants' houses, and took their property with the aid of the police.

### **Police Camps.**

Punitive police, for which the villagers had to pay, were stationed in many areas. Police camps were built round the crops to prevent tenants reaping their crops. In Ras we saw crops rotting in the fields. In some places, police had mowed the corn, while in others it had been impossible to do this, where local labour was usually not available for reaping confiscated crops, and the police imported outside labour. In some areas the tenants set fire to the crop rather than allow it to be reaped by others. The police encampments, with the armed pickets, gave the place the appearance of areas under occupation.

Attachment of property, usually a revenue process, has now become a police job. The police raided the villages, beat the foremost resisters, seized livestock, fodder, food-stuff, from them, pulled down parts of houses, and none of these can be questioned in a court of law even if Congress people decide to fight actions in court. Police officials told us that they were being put on a revenue job, while the

revenue officials said that the police were responsible for the trouble. The Revenue officials, however, are heads of the police as well, and in any case, under the Ordinances, the police are the officials who count, in fact.

### **Blockading of Villages.**

Villages were blockaded, to round up people, and as a particularly noxious form of coercion. In the Gujerat districts the police made a practice of blockading villages for twenty-four hours or more. It is the residential part of the village which is thus besieged, and the object is to prevent people from going out into the fields for their natural functions. This might be a piece of unauthorised police tyranny, but blockading, of which we have given instances, in our chapter on the North-West Frontier Province, is part of recognised police policy for coercion of villages.

*Kuslabhai Hathibhai* stated that on the 16th January and 21st February his village was blockaded from five in the morning till eleven at night, and no one was allowed to go out into the fields or to fetch water.

Sir Purshottamdas Thakurdas, a member of the Round Table Conference, also told us of cases of such blockading of which he had knowledge.

### **Prohibition of Reaping of Crops.**

The land seized after the sowing was guarded by the police, and the tenant was not allowed to sow his crop if he was a no-taxer. In Sylhet, Assam, we saw in the village of Bhanubil acres of such crops. The tenants had cultivated the land. The landowner, however, claimed that the crops were his and the tenants had been ordered not to reap the crops. We inquired what would happen to the crop, and the answer was that it is a tradition among peasants that if they do not reap the crops which they have sown, no one else will. We understand that no labour would be available for the harvest in the village if the landlord decided to reap the corn. In similar cases crops had been set on fire by peasants.

*Dayabhai Jhaveribhai*, of Amod village, is the tenant of the wife of Poonambhai Shankarbhai, of the same village. The lady is a no-taxer, and Shankarbhai had already suffered

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Imprisonment because he manages his no-taxer wife's estate. Dayabhai, the tenant, paid his land revenue, when his buffaloes were attached, and he had paid all his dues to the landlord as well. The next instalment of land revenue fell due on January 5, 1933. Dayabhai had been served with a notice (about October, 1932, when we were there) not to remove his crops unless he gave security for taxes due from his landlord. He said that the crop was already over-ripe and would be useless in a week.

### (III.) PUNITIVE MEASURES AND RESULTS.

Among punitive measures and excesses\* to which rural India was subject should be mentioned :

- (1) Attachments.
- (2) Looting and pillage (by landlords and Government agents).
- (3) Intimidation and humiliation { Women.  
Neighbours.  
Civil resisters.
- (4) Attacks on constructive work.
- (5) Punitive police and taxes.

#### (1) Attachments.†

The Ordinances have, as has been already noted, made landlords' rents recoverable in the same way as the Government's taxes. Apart from direct seizure and confiscation of lands, attachment of movable and immovable property and livestock, and their sale for ridiculous prices, have taken place on a large scale. In this process the law of the country has been disregarded in several ways.

### Illegal Seizures?

Plough animals, Agricultural implements and Seed are not liable to attachment in lieu of debts and arrears of rents or taxes. It is a principle accepted by law, since the deprivation of these "tools" of his craft renders the agriculturist incapable of earning his sustenance and of paying his debts.

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\* We have referred in this section mainly to classes of instances, to which attention has not already been drawn in the chapter on Police Raj in Action.

† See Appendix VI.



In the present campaign, animals, implements and stock have been seized and sold for nominal prices, or destroyed.

Peasants' houses have been sealed by the police; we saw a number of these, and not only movable property, but detachable parts of houses, such as doors, window shutters, galvanised iron roofing and even bricks from the walls have been taken away.

(1) *Ramabai Butcha Bai*, aged about 60, of Bochasan, Borsad Taluka, the wife of a blind man, made a statement to us. Her son, aged 24, was in jail, and so eight out of her ten acres of land could not be cultivated. Her buffalo was attached for land revenue. She had bought it for Rs. 100 on instalment payments. Only the first instalment had been paid. She is now in debt for the balance, though she no longer possesses the animal.

(2) *Mangalabhai Vajhibhai* was released on "parole" on the 14th January, and ordered to report to the police and not to enter the village. He obeyed the order, and his wife, *Dahi Bhen*, who was a Congress worker, was angry. The lady had been fined Rs. 100 and sentenced to six months' imprisonment for her activities. The police took away two sets of doors, a cradle, corrugated iron roofing, spinning wheels and other property.

(3) *Ishwarbhai Mundas*, of Sunav village, aged 60, owed Rs. 8 in taxes. All his movable property, estimated at Rs. 200, was attached in January, when he was away in the fields and no one was in the house. His wife and children were visiting in the next village. After a month a demand for taxes was made, and he refused to pay. He was then sentenced to three months' imprisonment and fined Rs. 50. In the fourth month the police went to his family house and attached the buffalo, whereupon his brother paid Rs. 20 for tax, Government costs, fees, etc. The next day the police again went to this brother's house and demanded the fine of Rs. 50, and threatened to take away the buffalo. He was then released. None of the movable property originally taken has been returned.

(4) *Mothibhai Hathibhai*, a no-taxer of Sunav, owed Rs. 6 in taxes. His tobacco crop, worth Rs. 250, was attached, and he received nothing from the sale of it, nor any receipt

of any kind. He heard from the headman that the crop was sold for Rs. 11.

(5) *R. Nadhabhai Kaldas*, aged 65, of Gana village, told us a story of torture.\* The revenue due from him was Rs. 15 and *Thakavi* (loan) Rs. 10. He had been manhandled by the police, and finally they were forcing him to touch the battery of a motor car when another man out of pity offered to pay the revenue. The Government had already taken Rs. 200 worth of property, which had not been refunded. He stated that he refused to pay because the Government had put Mahatma Gandhi in jail.

(6) *Chathurbhai Baijabhai* owned 13 acres of family land. He and the family ran away with three buffaloes when a police party arrived. The police entered their houses and broke up cooking vessels and household articles, etc. They destroyed the hayrick and took possession of agricultural implements.

The Government had attached and sold his crop, which he said was worth at least Rs. 70. It was bought by the Head Constable Allabux Hussain, for Rs. 5, in May, 1932. His whole property is worth Rs. 16,000. He had reaped the rest of his crop. He owed Rs. 125 in revenue.

*Sipahi Lal*, of Karma village, U.P., stated that he was unable to pay his rent. His land was taken without notice. He continued to cultivate the land and was accused of trespass and fined Rs. 100. He was unable to pay and therefore was sent to prison. His four bullocks and one cart were then attached and sold. He had 20 acres of land and was in difficulty only on what was due from a plot of  $3\frac{1}{2}$  acres. As he had only two bullocks left, he was unable to cultivate his land properly.

*Paramufty Village*, United Provinces.—We came across a number of instances where people were unable to pay land revenue, some of them women, who had sold everything they had and found it impossible to feed their starving babies and children.

One peasant stated that he had 20 bighas of land and had to pay Rs. 175 per year in taxes. He owned five bullocks, one cow and six calves. He had a wife and four children. His brothers' widows and their children made

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\* Cf. p. 375.

the joint family of fourteen members. All his property, including the cattle and five mango trees, had been attached.

A widow with three sons, of whom the eldest was ten, said that she owned four bighas of land; but all of it had been attached, and she had been turned off the land, and she and her children were actually starving. They had had nothing to eat for the "last two days" (28th September, 1932).

In *Karchana*, about 14 miles out of Allahabad, the crops had failed. Peasants had been unable to pay revenue dues. Buffaloes worth over Rs. 50 had been attached and sold for about Rs. 5. The people were starving.

We also saw in the villages of the North-West Frontier Province the results of wholesale attachments, both in the homes of the poor and the comparatively well-to-do. We have referred to instances in the chapter on the Frontier Province.

In Abdul Ghaffar Khan's\* own house we saw that all the furniture had been taken away, in lieu of land revenue; the Khan himself is in jail, without trial.

## (2) *Looting and Pillage.*

Where punitive police are stationed, entering of houses, taking away of goods, looting and destruction take place as part of Police *Raj*, according to the evidence we received and the results that we saw. In the villages, mainly in Gujarat, looting has followed in the wake of tax collection.

## **Houses Entered.**

We went into a large number of houses in the Gujarat villages and saw the destruction that had been wrought. Utensils and furniture had been broken up where they had not actually been taken away. in Ras and Bochasan we saw house after house, in which the huge earthen jars, in which grain is stored, were broken up. These are part of the peasants' stock, and they have been in possession of these families for generations. It was stated to us that armed police had entered and broken up things with the butt ends of their rifles, *lathis*, or anything else they could

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\* This was denied in part by the official spokesman in the Legislature. The statement here refers to what we have seen ourselves, and we therefore print despite the denial.

lay hands on. Beds, food, etc., had also been taken away in villages in Bengal, the North-West Frontier Province, and Gujerat. We have the particulars of a number of instances, some of which we give below.

In one village alone (in Borsad Taluka), out of 800 houses about 200 had been entered by the police. In Ras, there was hardly a house which the police had not entered and looted.

Ishvarbhai Mundas, of Sunav, whose statement about attachments of property we have already cited, stated to us in cross-examination that "the police resident in Sunav usually buy their things from the shops in that village or from Petlad (the next village), but when attachments are made they take things not only for the Government but for themselves, and they take what they like."

Khusalbhai Hathibhai made a statement\* that about "fifty policemen who were brought from Anand by Revenue Officer Manilal Gandabhai were posted at every corner in the village and practically all the houses were entered. They broke up water pots, big jars, and boxes, and beat people, several of whom were aged men."

Gangaben, wife of Chathrubhai Baijubhai, aged 26, stated† that the police and the *Mamlatdar* asked her to say where she had hidden money. The police, armed with rifles, went to her house. She was asked to show the buffaloes. The *Mamlatdar* took away ornaments from the house.

(Her husband's lands, which she said were worth Rs. 20,000, have been confiscated and sold for Rs. 200. They were bought by Abdul Ahmed, who does not belong to the village.)

### Elephants to Destroy Houses.

We saw the results of some of the looting and destruction in Bhanubil, in Sylhet. The village is about ten or twelve miles from the nearest road, and there is not even a cart track to reach it. We travelled on an elephant, which

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\* The statement was made to us at Sunav. The additional police were brought from Anand. We are not certain whether the village referred to is Sunav or one of the neighbouring villages. The entry in our notes is indistinct.

† The parts of the statement dealing with intimidation appear on p. 375.

negotiated the muddy fields and numbers of little rivulets which had to be crossed.

The village belongs to a Zemindar, who is alleged to have increased the rent from 13½ annas to Rs. 2.80.\* The tenants refused to pay, and the Zemindar got a decree of ejectment. Armed Gurkhas and constables, headed by a Superintendent of Police, helped in the ejection of the tenants. The Zemindar brought his elephants and pulled down the houses, which were razed to the ground and all the property trampled on. Over fifty houses were thus destroyed.

We met one of the victimised families. Lapoi Devi, whose husband was in jail, told us that these elephants were brought out and three houses which belonged to her family, all in the same compound, were destroyed. The rent due originally was Rs. 20. It had been enhanced. The houses are estimated to be worth Rs. 680. The Superintendent of Police was present. Representations were made to the Government before the incident; the answer was that it would not interfere.

The rents were not paid, Lapoi Devi told us, because they could not afford the enhanced amount. Their lands were taken away, but they were cultivating them, all the same, without permission. She also said that there were many people similarly victimised.

They were given no opportunity of removing their belongings. They now live in huts, which they have built on the Zemindar's land without permission. The Zemindar and the police, she said, took away their cattle, and she was not sure that they would be allowed to reap the crop they had sown, as they were trespassers.

Her father, Bijendanath Sharma, and her uncle, Harimohan Sharma, were arrested, one for being a member of an unlawful assembly and the other for trespass, for building the house in which she now lived.

"The police," she said, "even now come into our houses and take away our utensils, grain, bedding and clothes. The Sub-Divisional officer visits the house and abuses us from a distance."

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\* We are not sure whether the enhancement was uniform for all lands in the village. Under the permanent revenue settlement, the Zemindar's taxes to the Government cannot be enhanced, and, as an absentee landlord, he does nothing for the land or the tenants.

In Bengal, as in the North-West Frontier Province, police pillage has reached excesses comparable only to conditions under military occupation in times of war.

### Cases Cited in the Assembly.

Mr. S. C. Mitra cited\* in the Assembly cases,† and produced documents and photographs in evidence. The details could not be published in the press owing to the Press Law. We quote some extracts :

"In the house of Mahendra Nath Jana, of Dalimba Chauk, Suta-hata Police Station, all his movable properties were looted, and even the image of the goddess "Laxmi Devi" was thrown away from its place. The other is about the occurrence of the house of Jogendra Nath Kalsa, of Dundipur, on the 22nd September, 1932. Here the District Magistrate, Mr. Burge, and the Sub-Divisional Officer, Mr. Richardson, were also present when the police destroyed their granary and spoilt the paddy collected there.

"This is the photograph of that place (shown). Here is another case where, in the village of Bar-Basudebpur, in the house of Brojalal Kniti, the Bhagwat-Geeta was torn to pieces and put into the boiling *handi*, and the man was beaten. This is the statement, and this is the photograph, which will indicate how these things are done. . . . I am giving you the date at the very time—September last. In the village of Hadia, in the house of Kartick Chundar Das, the punitive police burnt the teakwood furniture and burnt the doors and windows. In the same village, in the house of Pran Krishna Das, they entered the temple and stole ornaments even from the body of the image of the family god. I particularly give these instances to show that in Eastern countries people are very sensitive when their religious sentiments are hurt in this way, so that the mighty Government at Simla also should know how the day-to-day administration is being carried on under the Ordinances that are now going to be made law. . . .

"There are numbers of pictures taken. I am now showing the House a few only to prove that we do not draw these pictures from our mere imagination. Here is another case where, on the 24th September, 1932, in the house of Bihari Lal Maiti, for a tax of Rs. 24.9, 320 maunds of paddy were taken away in the absence of male members. Then this is another picture of a place where Swadeshi Khadi is sold, and they have destroyed all these things. Of course, they may have a special grudge against the Swadeshi-wallahs. This is the photograph of the house of Ajit Kumar Maiti, of Dari-Bera, where the doors and windows have all been taken away, and property destroyed. Here is the photograph of a place of the house of Rakhai Chandra Samanta, of Hadi, where the corrugated tin shed has been destroyed. Here is a picture of a house belonging to Gora Chand Kalsher, of Dundipur village, where the cottage has been destroyed and all the thatched roofs have been brought down. . . .

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\* Assembly Debates, Vol. VII., No. 5.

† Most of the incidents took place while we were in India.

"Here is a photograph of a place where all the trees, banana trees, were cut, etc. How all these things are necessary for the realisation of a tax one can easily imagine. Here, on the 24th September, 1932, at about one o'clock, the second officer of the Thana, Dharendra Nath Chatterjee, went to the house of Sukuma Maiti for collecting the tax, but he destroyed his thatched house and his walls. This is another picture of a house of Keshab Chandra Mandal, of Dundipur, where all the ceilings have been destroyed. How the destruction of property or the ducking of a man in the tank helps the realisation of punitive tax has got to be explained. This is another picture of a stationery shop belonging to Nagendra Nath Das, where the entire property was destroyed. Now, this is the picture of a pharmacy where all the medicine bottles have been thrown out and destroyed."\*

### (3) *Intimidation and Humiliation.*

The presence of troops in the villages of Bengal is one of the more glaring instances of mass intimidation. Sieges of villages by police and threats to women and those giving hospitality to Congressmen, collective fines, and action against the neighbours of persons arrested, are other forms.

#### **Some Cases.**

At *Kareli*, villagers stated to us that those who gave shelter to non-co-operators were beaten. Villagers who took food and water to women non-co-operators were also maltreated. The police sealed the doors of the temple, where the non-co-operators were staying. Villagers removed the doors. They were charged with theft. They were acquitted after six months, but had been beaten severely. Some cases were treated in the Government hospital at Broach.

*Soma Shankar* stated that on the 18th September he was stripped naked by the police in the *Chora*.

*Bahji Bawa*, aged 14, also stated that he was stripped of his clothes and beaten by Constable Mahomed Mustafa. Sub-Inspector Bapu Bhai took out his knife and threatened to cut off his genital organs.

*Jetha Bhai*, aged 19, made a similar statement, that P.C. Mahomed Mustafa stripped him naked.

P.C. Mahomed Mustafa was present when *Jetha Bhai* made this statement, and we asked him if it was true. He said: "It was not I who stripped the boy naked; the Sub-

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\* The debates in the Provincial Councils and the Assembly on the Ordinances and the Ordinance Bill and the questions and answers on administration are replete with instances of police terrorism.

Inspector did it." On second thoughts, he added: "Nobody stripped him naked. A search was made of everybody."

We asked, "What kind of a search: for weapons? These people, with so few clothes, can be searched without taking off their clothes." Mustafa made no reply.

*Village of Gujera.*—One hundred and fifty people were arrested at a Taluka conference on the 18th September. Forty were taken upstairs one by one and beaten. Six were severely injured, others were given blows on the face and body. Fifteen were stripped naked. Inspector Khambatta and Sub-Inspector Bapu Bhai were concerned in the beatings, but the former was not present when the stripping took place.

*Desai Pursotam*, aged 35, cultivator of Kareli, stated that Sub-Inspector Bapu Bhai slapped him and kicked him with nailed boots till he fainted. He was taken the next day to Jambasur lock-up for two nights. He was then bleeding from the intestines. He was convicted for six months, and was in the jail hospital for three days. The doctor sent him to the hospital after examining the injuries. He was on a barley water diet for some days.

*Bahmatpur*, Monghyr District. The women came in large numbers to tell us of abuses and insults which they received at the hands of the police. Some of them, though very poor, had been called on to pay punitive taxes; *Dhane Masomat*, a widow, had been taxed Rs. 2, though she earns her living as an agricultural labourer on two or four annas a day, when she obtains work.

*Dhansi Sahu*, a labourer without land, had been ordered to pay Rs. 38. He had an aged sick wife and four children. The police entered his house, beat him, on the day we were in the place (23rd September, 1932). The old man said: "We have no weapons, but we cannot bear this."

In *Jahman Village* (Punjab), women alleged attempts by the police to dishonour them. One lady said that her door had been broken open many times, and if there was a prosecution of the police she would be willing to give evidence.

#### **A Pro-Government Group.**

In the same village we met the pro-Government party—a group who told us that we had heard only one side.



They said to us: "We thought it our duty to help the British Government, so we gave the police milk, etc."

There were nine of them present, and they said there were thirty or forty others. They were Sikhs and Moham-medans. Bhuj Singh, the spokesman, said: "None of us had to pay punitive taxes. We were exempt. We do not want self-government. We always pray for the gracious Government."

### Indecent Attacks ?

Attempts at indecent assault on boy prisoners were alleged in several reports made to us. We took a very full statement in one case,\* which is in our possession.

The use of filthy language to young women and aged men, who take part in Civil Disobedience, was alleged in statements all over the country. Indian women, who are to-day in the Congress fight, have been accustomed to sheltered lives, and this form of coarseness is intended to frighten them away. It was accompanied, in some cases, by violence, and in others by taking them out of their towns or villages to distant and lonely places and leaving them stranded there.†

Jhinabhai Jijibhai, aged 56, of Porda, Borsad Taluka, stated to us that he was arrested by British police in Baroda State territory, where he and other villagers had gone, because there was plague in Porda. His hands were tied behind his back, and he was taken to Sunav lock-up at night.

Sub-Inspector Mejha, and Head Constable Chiman, used filthy and insulting language about his mother and sister. He was beaten. The Head Constable used more filthy language and dragged him towards the wall, and said that he was "going to give him *Swaraj*," and putting his hands on the man's shoulders pounded him against the wall. Mr. Jijibhai was then subjected to more filthy abuse. We asked him to tell us what it was, but he said, "I am an old man and would not like to repeat it." He was then shown the statement made by a boy‡ who had alleged that the police attempted an unnatural offence on him, and the old man said that the language was of the same kind.

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\* There are several sworn statements in the Katyu (non-official) Jail Committee of the United Provinces, whose report we have used in writing the chapter on Jails.

† Also see p. 155, for cases cited in the Assembly. (See also p. 199.)

‡ We have this statement in our possession.

*Khusalbhai Hathbhai* stated that his daughter-in-law, *Dahi Bhen*, was surrounded by the police, who called at the house when he was in the field and beat her with sticks.

### **Women Insulted.**

*Rami Nathabhai Kaldas*, aged 65, stated that he was taken to the village office, and his shirt and cap removed by force. The police entered the house, took utensils and other movables, threatened his daughter-in-law, who was ill in bed, with beating, and asked for her ornaments. The *Mamlatdar* (Magistrate) *Manibhai Gandabhai* took her out of the house, locked it up and took the keys away. His son was also brought to the village office. They were taken to the field after an hour. In the field they were stripped of all their clothes, and they were made to bend and touch their toes. Two police with sticks were on either side, and whenever they tried to stand up they were given blows by the *Mamlatdar*.

*Gangaben*, the wife of the owner of the field, was then brought by the village police to see them in that condition. She was questioned about her husband and ordered to look at the naked men.

The old man said he was kicked with nailed boots, at intervals, violently. (Scars of nail marks were visible on his back.)

*Gangaben*, the wife of *Chaturbhai Bhajibhai*, aged 26, who, it was alleged in the previous statement, was insulted and intimidated, was then examined by us.

She confirmed the story and also said that the *Mamlatdar* used foul language.

### **Forced Labour.**

*Shivabhai Jagabhai*, aged 50, a barber, stated :

" On the night of the 5th February (1932), when I was asleep, the police came and knocked on my door with big sticks. I was ordered to come down, which I did. I was dragged out and beaten with a *lathi* on my back and with hands on my head and face. I was bleeding. With the next blow on the head I fainted. My mother, who was eighty years of age, cried out, ' Don't kill my son ! '

" The police went to her bed and beat her. She died after about a month. I was taken to the village office along with another barber and beaten again.

"We were asked to do work for the Circle Inspector, two clerks, and the second-class Magistrate. *Bagar* (forced labour) for two days had been demanded of us both. We refused. That was our offence. We have always paid our land revenue and we are not connected with the Congress."

*Koilo Raghala*,\* of the *Chodra* (aboriginal,) tribe made a statement to us of terrorisation :

"In last April or May (1932), the police stopped a procession, after beating all the volunteers. Sub-Inspector and constables came to me at nine o'clock at night. They fell on me, the Sub-Inspector beat me with his cane and the Head Constable with a *lathi*. The others also beat me. This continued for over half-an-hour. I was taken to the police office at Marvi and compelled to prostrate. I was threatened with death if I entertained Congress people any more."

He also stated that police officers were forcing people to sell lottery tickets, and threatening to attach lands if sufficient were not sold.

*Maghanbhai Ranchojai*, aged 22, *Khoti* by caste (aborigines), of *Karadi* village, and *Ukhabhai Panchibhai*, also a *Khoti*, made statements of terrorisation and beating.

#### (4) Attacks on Constructive Work.

Constructive work carried on by Congress, its allied organisations, and other independent bodies, has suffered under Ordinance rule in several ways, which include† :

- (1) Direct and deliberate attacks on organisations and individuals.
- (2) Deprivation of leadership as a result of arrests, etc.
- (3) The state of fear and suspicion created by Police and Ordinance *Raj*.
- (4) Police excesses and action taken by over-zealous officials.
- (5) Attacks made under misapprehension of the nature of the institutions concerned.
- (6) Stoppage of funds.

#### Direct Attacks.

Many Congress *Ashrams*, which have scrupulously refrained from politics, have been broken up or closed down by the police. One of the worst instances that we saw was in *Sitanagaram*, in the *Telugu* area, where the building

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\* He belongs to a tribe like the *Bhills*. Mr. Gandhi stayed in his hut some years ago.

† We have dealt with these in other chapters, where we have discussed the constructive programme.

was under police occupation, and the looms and doors, which had been wantonly smashed, were being eaten by white ants. With the breaking up of that Ashram much medical, educational, and cottage industries work, for which it was the centre, had been destroyed. The destruction of looms and smashing of other property is no doubt legal, because no action taken under the Ordinances can be called into question in a court of law, and no officer can be held responsible for his conduct.\* But the wanton destruction, the result of which we witnessed, is, in our opinion, one of the most eloquent comments on Police Raj.

All over India, such centres, including schools, have been seized and broken up. If the Government holds that they are run by men whose sympathies are with Congress, and should therefore be closed, they should have seized Mr. Gandhi's Ashram at Ahmedabad. Policy here, as elsewhere, is haphazard, and left to the man on the spot, who, in these regrettable instances, appears to mistake aggressiveness for zeal.

In another Gandhi Ashram in South India, at Thiruchengodu, there was a doctor whom the settlement had sent for training in the treatment of leprosy. The gentleman returned to his duties to find that he was served with a restraint order, severely curtailing his movements in the villages in which he had to work. As a leprosy doctor for the settlement he became useless, and as a man he felt the order a humiliation, and he disobeyed it. He was sent to prison, and lepers go untended.

Government policy has also added to the misery of some of the peasantry in certain areas, as in the villages of the United Provinces, where the repression has resulted in the breaking up of the spinners' organisations to some extent.

### **Leadership.**

The constructive work in the Indian village has largely centred round the Congress volunteer, who is now either barred from the village or is in prison. Organisation, and the sense of village consciousness, which their work inculcated, is now arrested, or, where it is still virile, is canalised in civil resistance. Anyone attempting similar work is taking a great risk.†

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\* Unless the organisation has Government patronage any activity is suspect.

† Under Section 51 of the Emergency Powers Ordinance and now corresponding provisions in the "Ordinance Act."

### **Fear and Suspicion.**

Police action against *Khaddar* in different parts, and the surveillance that is exercised, have struck terror into rural areas. Where repression has been severe, as in the Surat District, the Government have crushed the people, so that few are left to take the risk of doing anything that will bring the police on their trail. Ordinances, and police conduct, preclude any safeguards which appeals to law or the assertion of rights may be expected to provide.

### **Police Zeal.**

It is probably true that in some instances higher officials are either ignorant of, or have not sanctioned, some of the measures which the police practise. They probably are not responsible for the persecution of well-meaning men or for restricting their movements. The actual state of affairs is that anyone is liable to arrest and any kind of activity is suspect.

### **Cases of Misapprehension.**

Mr. S. C. Mitra quoted in the Assembly\* a case in which, on the 28th September, 1932, the police destroyed the Co-operative Bank's accounts and the ploughs in the house of Purna Chandra Das, of the village of Hadia, in Bengal.

Mr. N. M. Joshi† referred to the case of a colleague of his, Mr. Thakkar, of the Servants of India Society:

"After the Civil Disobedience movement was started and several Congressmen were sent to jail, Mr. Thakkar was given a small sum by a gentleman in order that the wives and children of Congressmen who had gone to jail should not die of starvation. Only a few days ago, one of the District Magistrates in Gujerat called Mr. Thakkar in order to bully him and browbeat him. He asked whether he was supplying funds to the wives and children of the people who had gone to jail. Now, Mr. President, I want to ask this question: Why should an officer object to anyone relieving the distress of the wives and children of Congressmen? I can understand Government putting the Congressmen in jail, but certainly it is not according to the rules of any civilised warfare that a combatant should desire that the wives and children of his opponents should die of starvation. . . .

"You have given so much power that if a man does anything which the officer does not like, he calls him to his office and asks him not to do it. This is not the only thing. You ask your officers—here I am not talking of the petty officers, but of the higher officers—not only to defeat the Congress but to crush and uproot the Congress."

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\* Assembly Debates, Vol. VII., No. 5.

† Assembly Debates, Vol. V., No. 9.

Professor Joshi,\* a trustee of the Bhagini Seva Mandir, of Poona, told us of the case of his organisation. It has six trustees, three of them Congressmen and three members of the Servants of India Society. One of the bodies connected with Congress was a tenant in its buildings. To avoid difficulties, the trustees terminated the lease. None the less, the police asked for an undertaking that the *Mandir* would not enter upon unlawful activities. Undertaking was not given. Policemen were posted at the gates.

### **Funds.**

People are afraid of subscribing to any organisation which may be suspected by some policeman or stated to be under suspicion. Good causes are thus deprived of their resources, which are essential to their work. Also, as in the case of the Gujerat Sabha, funds are sequestered without justification.†

#### **(5) Punitive Police and Taxes.**

Additional police forces have been quartered in a number of villages in several Provinces in India. In the no-tax areas of Bombay, Bihar, Madras, the United Provinces, the Punjab, and Bengal, the terrorist areas of Bengal, and the Red Shirt villages of the North-West Frontier Province, such Forces have been quartered.

### **Punitive Police.**

The Punitive Police are, as far as we saw, and ascertained, armed. They are quasi-military in character and usually the members of the Force do not belong to the Province in which they are quartered. Official reports, to some of which we have referred, have pointed to the bad discipline and organisation of certain sections, at least, of this force. Among the people the punitive and special police have a thoroughly bad reputation. They are comparable to military detachments of occupation in a martial law area.

In Bengal, punitive police have been stationed in certain areas where those wanted for terrorist outrages are believed to be at large. The view taken is that the village is conniving at terrorism, and without local assistance it would be impossible for the offenders to be in hiding.

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\* Not Mr. N. M. Joshi, mentioned on p. 378.

† We have already referred to Government policy in relation to Swadeshi and the "Buy Indian" movement, both as officially stated and as in actual fact.

### **Fines.**

The cost of the force is met, at least in part, by the levying of fines, which, we understood, were collected by the police themselves and not by the Revenue Department. Those who criticise the stationing of punitive police ask whether the people are to be penalised and taxed because they are not able to perform the task in which the Police Department have failed, namely, tracking down terrorists.

The levying of fines is left to local discretion. In the terrorist areas it is the Hindu population who are as a rule fined, though they are in a minority. This discrimination has canvassed for the Government the support of Conservative Moslems.\*

The punitive police posted in the other areas are either as a punishment for, or to deal with the difficulties created by, the no-rent campaign.

### **The Government's Case.**

The general Government case for the imposition of such fines is, perhaps, best stated in the following extract, which we have taken from a *communiqué* issued by the Bihar Government on the 28th May :

"The Local Government are not in a position to keep so considerable a force of police detached from their ordinary duties, but on the other hand, in view of the sustained and deliberate defiance of the villagers, in spite of many warnings, it is unsafe to leave the village unpoliced. The Local Government has accordingly declared that the village is in a disturbed and dangerous state, and that a force of additional police will be employed in it for a year at the expense of the inhabitants.

"Exemptions will be granted to those who have kept themselves aloof from the movement."

### **Authority to Quarter Punitive Police.**

The actual imposition of these forces may be in exercise of the power conferred by emergency legislation like the

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\* Mr. Abdul Matin Chaudhury, speaking in the Legislature on the 3rd December, 1932, said : "Under these Ordinances, the Frontier Mussulmans have been terrorised; the Red Shirt movement has been crushed; the Ahrars have been suppressed; the Moslem Press has been throttled; and even in this Imperial City of Delhi, under the very nose of the Government of India, the sanctity of the Moslem mosque was violated. Wherever the Mussulmans have shown any sign of life, activity or vigour, they have been put down with an iron hand, and there is nothing to be surprised at in this, because when you give this autocratic power to the irresponsible executive it is bound to be abused."

Bengal Ordinances or the Emergency Powers Ordinance, or under the Police Act.

We were informed that the posting of such punitive forces is a matter within the discretion of the Local Government, but Indian opinion holds that the terms "Local Government" and "Local Official" are in fact interchangeable in matters of administration.\* A proclamation is issued, and the specified area is made responsible for its maintenance. We print below the copy of a proclamation which would help to explain the procedure and the character of the arrangement:

June 1, 1932.

**PROCLAMATION.**

The 26th May, 1932.  
No. 312. P.R.

In exercise of the powers conferred on him by Section 15 of the Police Act, 1861 (V. of 1861), as amended by Act VIII. of 1895, the Governor-in-Council declares that the conduct of the inhabitants of the area specified below within the jurisdiction of the Lakhisarai Police Station, in the District of Monghyr, has rendered it expedient to increase the number of police by the appointment of an additional force consisting of one Deputy Superintendent of Police, one Inspector, two Sub-Inspectors, eight Havildars and one hundred armed constables, to be quartered in the said villages, at the cost of the inhabitants thereof, subject to any orders which may be passed exempting any person or class or section of the inhabitants. This proclamation shall remain in force for a period of one year with effect from 1st June, 1932.

2. The above proclamation shall apply to the whole of the village named in column 2 below.

Thana No. 1.	Name of Village.
187.	Barahiya including three tolas, viz., Chuharchak, Tajpur and Bodhnagar, English (Barhiya).

By Order of the Governor in Council.

P. C. TALLENTS,  
*Offg. Chief Secretary to Government.*

**Police "Garrisons."**

Some of the worst police atrocities in India are the work of the Special Police Forces, as different from the Regular Force. They, unlike the Regular Force, have no houses in the areas in which they are stationed, and are rather like a garrison, indifferent to and ignorant of the sentiments of the community in which they live. They lack

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\* In Stuart times one of the items against which the early champions of British liberty fought was the "billeting of soldiers."



the discipline which longer service and the performance of duties, other than coercive, give to the members of the Regular Force. Roughnecks are recruited to the Force as a deliberate policy, while the task which they are set would affect the morale of even disciplined men.

In different parts of India, including the Frontier Province, these men have been responsible for :

- (1) Looting and pillage.
- (2) Outrages on women.
- (3) Intimidation and violence.

### **Looting by Punitive Police.**

Houses have been entered and property smashed. We have already referred to some of these. In Madhkaul, a small village, we saw some of the results of the conduct of the punitive police. Granaries had been looted, women insulted, bayonets thrust into kitchen pots and vessels. In the village we saw a store which had been wrecked. The kerosene oil in the store had been poured over the stores of rice and pulses. The villagers, through their spokesman, told us a story of wrecking and looting.

*Sabuj Mishra*, a cultivator, whose house had been looted, told us that his cash box had been broken open and the family ornaments taken away. We asked him whether he had reported this robbery to any officials, and he said that he reported the wrecking and looting of the house to the Sub-Divisional Officer, an Indian, who replied, "Don't come to me with your complaints. I am not going to hear of these things. Pay your taxes."

Shops had also been looted, and we discovered, from the information we gathered, that complaints had sometimes been made to officials, but it was little use, as the police did what they liked and the regular officials had little control over them.

We asked the old villager who had acted as spokesman whether he thought that the police were acting lawfully. His answer was: "Our throats are being cut by the servants of a Government which says it is the law, and you ask if it is just! The Moughals never did this."

In the next village, Sheohar, we learned that the trouble, which was the cause of the firing which led to the posting of the punitive police, was started by police agents. No proper inquiry was made.

## **Terrorisation.**

From the statements and information in our possession, we could give instance after instance of the terrorising activities of the police garrison, which is what the punitive police resembles.

They levy blackmail, and rob women, visiting the area, of their jewels.

The punitive fines must be paid, if the officials say it must be paid, whether one can afford or not, or whether one is Congress or not.

At Sheohar, Sobhai, a Moslem, told us the story of his daughter, a married woman, who, while cutting corn in the field, was rushed at by the punitive police and violated.

At Midnapore, we saw people who had received wounds at the hands of the punitive police. In Tamluk, Bengal, Pathans, Punjabis, and Gurkhas have been planted all over the district. The people had been beaten, robbed, fired on, and tortured and made to pay for the very force that was responsible for these acts.\*

What we have said of the punitive police may, perhaps, leave the erroneous impression that they are a band of guerillas who take the law into their own hands, and that higher officials are not aware of what is being done. Guerillas they may be; they may take the law into their own hands, but it is still "law" in India. They, however, act under orders, which, as the villagers say everywhere, are "Smash everything."

## **People Defend Themselves.**

In some areas, like Tamluk, people are developing a form of defence against official terrorism. When the punitive police approach the village, the women blow a conch shell as a warning, and the cultivators take their wives and daughters away to the depths of jungle swamps. At the time of our visit, women in the villages of the Tamluk

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\* Lieut.-Colonel Arthur Osborn, D.S.O., in his book, *Must England Lose India?* quotes an official who told him: "I give you my word that after some of my punitive police have been stationed in a village for a few days the spirit of the toughest of the political agitators is broken." Lieut.-Colonel Osborn inquired, "How?" "Well, they will help themselves to everything. Within twenty-four hours there will not be a virgin or a four-anna piece left in that village."

District had taken to sleeping in the fields, out of fear of night raids of their houses by the punitive police.

Under the punitive exactions and persecution people are fleeing from the villages. Press reports, which we saw in India at the time, stated that from the villages of Sijbena, Rajarampur, Shivramnagar, and several others, people had left their homes and the Union Board were therefore not able to raise the taxes.

Shortly after our visit to Tamluk, we saw the following press report about a raid :

"On the 10th instant (September), Punitive Police surrounded the village Keorakhali, in Sutahata, P.S., in order to realise punitive tax. The villagers began to vacate their homes. The wife of S. Upendra Nath Das, of Hadia, who was in an advanced stage of pregnancy and was running away, stumbled and fainted. She was taken care of and removed to Basanchak, where she expired after two hours. Another lady of Keorakhali, with her sucking baby of five months was fleeing away. She had to cross a marshy land. There her baby slipped from her arms. She searched for the baby for some time till she got it back alive."

### Exactions.

The fines, as we have stated, are attached by the police. Illiterate villagers are not always able to ascertain what is due and what is receipted for, as the copies of receipts below will show :

#### KACHA (TEMPORARY) RECEIPT.

Received Rs. 6 Annas 15 (6/15)\* only. 77. Dhisendralal Rakshit,  
c/o Ramchandra Rakshit, of Amuchia, as Punitive Police tax.  
(Sd.) A. C. BISWAS.  
Dhoral Subthana.  
29/6/32.

#### PUCCA RECEIPT.

Govt. of Bengal. A.855380.

No. 6.

Dated 3/7/1932.

Received from 77. Dhircudralal Rakshit. 87. Ram Chandra Rakshit, of Amuchia, through a/c Dhoral, Rs. 5 Annas 3 only.\*  
Credited to P. Tax.

SURYA GUPTA,†  
A.S.I.

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\* Italics ours. Note the difference in the amounts.

† The name on our copy is not very clear.

## CHAPTER XIX.

### THE BOYCOTT AND PICKETING.

"We ought to proclaim that, whether the boycott is economic or political in intention, it is illegal and wrong. We ought to make sure that the Ordinances and laws in India are capable of dealing without fear or favour . . . against those who organise them."

(Mr. Winston Churchill, 13th May, 1931.)

"There are large bodies of people in India passionately eager to secure the national liberties of their country. They see that armed revolt would be wrong and they do not seek to proceed on those lines, but they have taken the economic weapon and they have said, 'Here is a means by which we can achieve our end and bring a powerful influence to bear upon the people of and Parliament of Great Britain.'"

(Sir Herbert Samuel, 13th May, 1931.)

"Let me remind him (Mr. Wedgwood Benn) that this question of trade boycotting and picketing is really the acid test as to whether or not there is sufficient good will and commonsense in India to make possible the kind of constitutional advance we were discussing last January."

(Sir Samuel Hoare, 13th May, 1931.)

#### (I.) THE ECONOMIC WEAPON.

THE use of the economic weapon for political ends began in India on an organised scale from 1905, when the partition of Bengal and Lord Curzon's general policy roused that Province and, to a lesser extent other parts of the country, into militant protest and resistance. Since then, the "Boycott" has been part of the Indian political movement, in full swing at times and quiescent at others. Side by side with the Boycott, and as the moral and economic corollary to it, has grown the idea and movement of *Swadeshi*.\*

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\* Literally "of one's own land." It is the movement for the encouragement of Indian goods and industries.

The Boycott and *Swadeshi* movement claims the support and allegiance of numbers of people outside Congress and of political leaders who are opposed to Civil Disobedience. The extent to which such support and allegiance is given varies with the groups and individuals, but the idea and practice of a conscious preference for Indian goods, and in the event of their not being available, for non-British goods, has now become very widespread and enduring. Among those outside Congress who lend themselves, in varying degrees, to programmes of Boycott and *Swadeshi*, are the Liberals,\* the Independent Nationalists and non-political people, including Government servants. Of these, the two former take part in *Swadeshi* propaganda, which now, following the British example,† is called "Buy Indian," while the others buy Indian goods whenever possible, without participating in propaganda.

During the present political upheaval, from 1930, the Boycott movement reached large proportions, and when we were in India its strength, in spite of the repression, was undoubtedly impressive. It is well organised and the effort is sustained. The trade figures will show that there are ups and downs, but they will also show that there is a margin beyond which the recapture of British trade does not extend. The Congress Boycott is against foreign goods. In 1930, when Civil Disobedience first began, there was no "Boycott," but only "*Swadeshi*." Mr. Gandhi was against Boycott on moral grounds, but with his imprisonment, the severity of the repression, the enthusiasm of younger workers and the necessities of the case, those in charge of the Congress sanctioned the Boycott and organised it all over the country in a way hitherto unknown. The Government met it by repression, equally unprecedented, but "Boycott" became a magic word everywhere and it was not broken by repression. Mr. Gandhi, when he came out of prison, reviewed the position and agreed to it,

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\* Cobdenism and Free Trade is not part of the beliefs of Indian Liberalism. Even the moderate ones in their ranks have been in favour of State aids, protection of "infant industries," etc.

† It is part of Indian Liberal technique to copy British ideas and technique in agitation. This is perhaps the fundamental difference between them and Congressmen and explains the hostility of even Radicals like Mr. Chintamani to Civil Disobedience and Direct Action.

as it was in the interests of the masses and could not have been successful without mass support.\*

The definition of boycotting, according to the Indian Ordinances, is :

"A person is said to 'boycott' another person who refuses to deal or do business with or to supply goods, etc., or to let a house or land or to render any customary service to such person or any person in whom such person is interested, or refuses to do so on the terms on which such things would be done in the ordinary course, or abstains from such professional or business relations as he would ordinarily maintain with such a person."

This definition, together with the others, of "molestation" and "loitering," brought every kind of Boycott propaganda, and often quite innocent activities, under the hostile attentions of the police.

The adoption of the programme of the boycott of British goods and services as a political weapon and the widespread support given to it by even the less impulsive section of Indian politicians represents the growing realisation in India that Britain's desire to keep India, and her ability to do so, has trade as its basis. Even the moderate Indian no longer believes in the "providential purposes" of the Empire in India, and he, perhaps even more than the educated Congressman, is fully aware that trade interests are the permanent factor in Imperial motives.

The popular appeal of the Boycott method is due to several causes :

- (1) It can be adopted by individuals irrespective of organisations and political loyalties.
- (2) The belief that foreign rule has exploited India in the interests of the foreigner.
- (3) The belief, held more particularly in the villages, that Indian industries and crafts have been ruined by British policy.
- (4) The knowledge of the educated section that trade interests are paramount in the moulding of British policies.

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\* The Congress and Mr. Gandhi, however, forbade the social boycott of Government servants and their allies. The Boycott includes Indian cotton goods, where the latter came into conflict with handspun and the *khaddar* movement.

(5) The desire to advance Indian industries, (a) as a result of national feeling on the part of the people themselves, and (b) in the interests of Indian traders and manufacturers.

(6) Women saw in the Boycott programme a particular item of national activity which was specially their task.

(7) Its passive character ; the determined "No" as a protest is in keeping with the temperament of the people and the non-violent programme of the Congress.

(8) The brutalities inflicted by the police on pickets has made many converts and induced the belief that the Government's main concern is the protection of British interests.

## (II.) EXTENT OF THE BOYCOTT.

The Boycott has spread all over India ; but it has been most intense in the Gujerat districts, Bombay City, parts of Bengal, Madras City, Andhra, and Malabar districts. In Bombay City the boycott of British firms and the stoppage of the export of bullion has been practised on a wide and intensive scale. Madras City and Province are instances which has the reputation of being "quiet" areas, yet the Boycott and Swadeshi movement has struck root there. In the southern Presidency the non-Congress organisation of the "Buy Indian League" has been very much in evidence. There are no available figures of the percentage of people in each area who practise Boycott or "Buy Indian," but it would be apparent to any observer that the Boycott propaganda and the gospel of Swadeshi has reached far-off villages and the poorest classes in the town. The word "Boycott" has been adopted into the vernaculars and Indian women and the youth of India have made it a war cry.

The extent of the Boycott may also be judged from the statistics available from different sources, some of which we quote here.

It is necessary to look at the trade figures over the period from 1929 to appreciate the effect of the boycott. The fall in the Japanese Yen and the export of gold bullion from India, as a result of the increase in the price of gold, also stimulated imports in 1932.

The Bombay correspondent of the *Daily Telegraph* (London) wired to his paper on the 28th February, 1932, that Rs. 3,700,000 worth of orders for British goods had been cancelled.

TABLE A.

## Chief Imports of Merchandise into India.

(In thousands of Rupees.)

Category of Articles.	1929-30.	1930-31.	1931-32.
Food, Drink and Tobacco ... ..	402,600	200,932	182,438
Raw Materials and Unmanufactured Articles ... ..	233,033	227,517	208,502
Articles ; Mainly Manufactured ...	1,728,294	1,092,214	337,616
Luxury Articles ... ..	3,242	2,086	4,206
Postal Articles (Unspecified)...	40,801	35,441	30,643
Total ... ..	2,407,969	1,648,219	1,263,408

TABLE B.

## Showing Imports from Various Countries into India.

(In hundred thousands of Rupees.)\*

Country.	1929-30.	1930-31.	1931-32.
United Kingdom ... ..	10,310	6,129	4,476
Aden and Dependencies ... ..	57	33	53
Ceylon ... ..	180	143	139
Straits Settlements ... ..	617	397	287
Hongkong ... ..	74	86	52
Canada ... ..	191	133	42
Zanzibar and Pemba ... ..	344	35	41
Union of South Africa† ... ..	—	43	22
Mauritius and Dependencies† ...	—	2	2
Kenya ... ..	554	301	327
Australia† ... ..	—	242	158
New Zealand† ... ..	—	4	4
Other British Possessions ... ..	119	54	59
U.S.A. ... ..	1,766	1,515	1,285
Japan ... ..	2,359	1,451	1,334
France ... ..	457	289	217
Italy ... ..	673	451	361
China ... ..	410	333	276
Russia ... ..	46	104	95
Netherlands ... ..	423	322	204
Belgium ... ..	679	467	302
Germany ... ..	1,579	1,238	1,021
Austria ... ..	123	82	71
Java ... ..	1,367	1,034	485
Other Countries ... ..	1,752	1,594	1,321
Total ... ..	24,080	16,482	12,634

\* A hundred thousand Rupees is roughly £7,500.

† For 1929-30 separate figures are not available.



TABLE C.\*

## Imports of Raw Cotton from Various Countries into India.

Country.	(In thousands of Rupees.)				Period.	
					1929-30.	1930-31. 1931-32.
United Kingdom ... ..	...	...	...	...	464	2,742 416
Persia ... ..	...	...	...	...	194	60 243
Egypt ... ..	...	...	...	...	800	11,672 13,102
Kenya Colony ... ..	...	...	...	...	28,063	28,796 31,682
U.S.A. ... ..	...	...	...	...	1,959	8,315 22,357
Other Countries ... ..	...	...	...	...	1,973	1,268 2,078
Total ... ..	...	...	...	...	34,217	63,893 70,339

TABLE D.

## Import of Cotton Cloth (all varieties) from Various Countries into the Chief Ports of India.

Port.	(In thousands of Rupees.)				Period.	
					1929-30.	1930-31. 1931-32.
Calcutta ... ..	...	...	...	...	203,548	68,628 39,206
Bombay ... ..	...	...	...	...	140,504	43,652 33,459
Karachi ... ..	...	...	...	...	76,502	40,606 40,251
Madras ... ..	...	...	...	...	33,851	18,688 12,142
Rangoon ... ..	...	...	...	...	48,105	28,931 21,048
Total ... ..	...	...	...	...	502,510	200,505 146,706

TABLE E.

## India's Yarn Imports. (In pounds.)

Countries.	Total for	Total for	Total for twelve months ending	
	Dec., 1931.	Dec., 1931.	Dec., 1930.	Dec., 1929.
United Kingdom†... ..	1,299,082	13,978,879	15,737,505	26,483,035
Japan ... ..	541,885	5,753,752	8,041,392	10,959,919
China (including Hongkong)	1,971,000	13,598,350	11,477,797	11,149,887
U.S.A. ... ..	3,243	26,467	27,417	20,930
Italy ... ..	126,590	4,717,976	3,737,788	5,671,299
Belgium ... ..	1,463	187,575	73,221	137,831
Netherlands ... ..	46,320	1,232,905	690,312	609,743
Switzerland ... ..	60,193	224,344	383,312	1,073,317
Germany ... ..	51,479	393,306	257,678	615,609
Austria ... ..	1,542	65,977	130,934	244,632
Other Countries ... ..	1,706	853,323	646,850	924,801
Total ... ..	4,104,503	41,032,854	41,204,206	57,891,003

\*Indicates the increase in Indian manufacture of cotton arising out of the Boycott and Swadeshi programme.

†British imports in 1931 fell to half the total for 1929, while the total fall in yarn imports into India during the same period is only about 8 per cent.

**TABLE F.**  
**India's Yarn Exports. (In pounds.)**

Countries.	Total for Dec., 1931.	Total for Dec., 1931.	Total for twelve months Dec., 1930.	Total for twelve months Dec., 1929.
European Countries	93,740	1,332,093	925,443	1,882,892
China (including Hongkong)	50,080	172,266	1,034,000	1,355,708
Egypt and N. Africa	258,325	3,135,248	4,224,274	5,162,931
Red Sea Ports ...	483,784	3,885,811	5,266,432	6,391,989
East Africa... ..	17,608	353,721	466,697	432,743
Levant and Black Sea Ports ... ..	297,600	2,827,910	2,718,064	3,083,481
Ceylon and Straits	329,302	2,010,450	2,595,218	3,583,628
Persian Gulf ...	742,580	8,166,626	5,736,063	6,830,118
South Africa ...	150	277,450	239,118	22,485
Other Countries ...	2,800	95,028	36,940	97,066
<b>Total ... ..</b>	<b>2,275,969</b>	<b>22,256,603</b>	<b>23,242,249</b>	<b>28,843,041</b>

**TABLE G.**  
**India's Piece Goods\* Imports. (In yards.)**

Countries.	Total for Dec., 1931.	Total for Dec., 1931.	Total for twelve months Dec., 1930.	Total for twelve months Dec., 1929.
United Kingdom	21,264,152	357,804,434	801,720,459	1,283,849,948
Japan ... ..	26,690,785	408,806,025	423,644,565	537,370,676
China (including Hongkong)	25,293	2,834,146	4,910,590	18,216,967
U.S.A. ... ..	907,085	18,271,800	16,752,255	32,713,055
Italy ... ..	808,525	16,687,252	22,031,824	36,479,181
Belgium ... ..	12,280	426,376	898,863	1,733,816
Netherlands ...	537,363	7,038,344	16,968,067	20,997,367
Switzerland ...	917,361	8,654,980	14,365,754	15,518,989
Germany ... ..	101,137	1,121,977	1,403,395	2,571,546
Austria... ..	107,313	1,017,654	3,489,711	4,916,657
Other Countries	182,688	2,283,179	2,612,582	4,237,065
<b>Total ... ..</b>	<b>51,553,981</b>	<b>824,946,167</b>	<b>1,308,868,065</b>	<b>1,958,605,267</b>

**TABLE H.**  
**Showing Contraction† in Volume of Total Trade.**  
**(In hundred thousands of Rupees.)**

Category.	Eleven Months, April-Feb., 1929-30. 1930-31. 1931-32.		
Exports of Indian Merchandise (Private)	28,337	20,507	14,313
Re-Exports of Foreign Merchandise (Private) ... ..	649	472	432
Imports of Foreign Merchandise (Private)	21,833	15,076	11,480
Balance of Trade ... ..	7,153	5,903	3,265

\*Manufactured cotton goods.

†The effect of this contraction from a political standpoint is the fall in Government Customs revenue.

## United Kingdom Figures.

The following further statistics and interpretation of data throws more light on the Boycott movement, which has concentrated mostly on British goods and services, more particularly British cloth, as stated before.

In 1931-1932 the total fall in imports into India was 48 per cent. Britain's trade with India declined from 103 crores in 1929-1930 to less than 45 crores in 1931-1932, that is 57 per cent., or 9 per cent. more than the fall of total imports. Again, in 1929-30 British imports into India were 43 per cent. of the total, while in 1931-1932 they were 36 per cent. of the total.

The total import of cloth also shows a remarkable decline:

1929-30	...	...	...	Rs. 502,510,000
1930-31	...	...	...	Rs. 200,505,000
1931-32	...	...	...	Rs. 146,706,000
January-April, 1933 (4 months)				Rs. 580,760,000

We were not able to obtain the figures for the whole of 1932-1933, but the data, we have, indicate that while the share of the United Kingdom shows a slight increase in the returns for February and March, 1932, over the figures of the same months in the previous year, they do not show a return to the 1929-30 level (before the Civil Disobedience movement).

We obtained the figures for three months of 1932, which are :

TABLE  
Share of the United Kingdom in India's Trade.

VOLUME OF TRADE : 1932-1933 FIGURES.\*

(In hundred thousands of Rupees.)

Month.		Imports.		Exports and Re-Exports.		Visible Balances of Trade in India's Favour.
January	...	1,093	...	1,356	...	1,172
February	...	995	...	1,268	...	1,033
March	...	1,091	...	1,323	...	913
May	...	1,182	...	980	...	107
June	...	1,209	...	960	...	210
Total for 5 months		5,570	...	5,887	...	3,435

\* The total for five months in 1932 does not show that repression has broken the Boycott. These figures should be compared with 1929.

TABLE J.

## Share of the U.K. in India's Trade in 1932—(contd.)

					Feb.	March.	June.
Exports	...	...	...	...	23%	22%	30%
Imports	...	...	...	...	37%	39%	37%

The figures for the middle of 1932 show a slight rise, accounted for by (1) international economic factors, such as the increase in the price of gold and the fall in the Yen, (2) preferential Indian cotton duties, which gave Lancashire an advantage over foreign competitors into India, and (3) the loosening of the Boycott in the latter half of 1931 during the Truce period, and the orders placed at that time.

What we ourselves saw of the Boycott has left on us a deeper impression than all these tables of figures. On our first day in Bombay we went to see the Mul Jetha Market. We met the President of the Bombay Piece Goods Association, who showed us round the whole market, containing hundreds of shops. Five hundred of the shops had put down their shutters, and a whole street (or *Gulley*), formerly called the "English Street," was now deserted. We were shown three shops which formerly did a trade of about Rs. 375,000 in foreign goods, but were closed down as a result of the Boycott. At one time, the merchants themselves had tried to partition off the foreign sales departments, but under police pressure the partitions had to be removed. Police then arrested women pickets. The result was that public opinion was roused and the very merchants who suffered by the picketing became boycott propagandists. We met some of these "converts" ourselves, who spoke to us very appreciatively of the women pickets.

We also saw bales of thousands of rupees' worth of goods in shop after shop under Congress seals. Formerly these places sold foreign goods and were therefore boycotted. The goods were permitted to be sealed, as not for sale, and the Boycott on shops was lifted. The Congress volunteers, mostly women, had unquestioned influence in this area and in the matter of the foreign cloth boycott in Bombay.

In Calicut, far away from Bombay, and a small town which formerly did a roaring trade in Lancashire goods,\*

\* Calicut is the headquarters of the Malabar District and is the important export centre for a large area. The people of Malabar, men and women, clothe themselves in white cotton material, unlike the rest of India. Lancashire "mulls" and greys and dhoties once supplied this demand.

our host told us it was difficult to buy foreign cloth at all. We walked through the bazaars of Agra and, except for a few Moslem shops, no foreign cloth was sold; packages of them were under Congress seal and not offered for sale.

Swadeshi shops which a few years ago, we were told, were rarities and losing concerns, are now numerous. We also saw exhibitions of Indian goods at Poona, Delhi, Allahabad, Ahmedabad and other places, where there was plenty of evidence of the constructive side of the Boycott. The Government gave neither encouragement nor help, in many places it hindered and obstructed, yet Indian manufactures of all kinds were on exhibition.

### (III.) THE BOYCOTT AND THE ORDINANCES.

Boycotting was declared illegal under Ordinance No. V. of 1932 (The Prevention of Boycotting and Molestation Ordinance). When this expired, after six months, its provisions were incorporated in the Consolidated Emergency Powers Ordinance, X., of 1932, issued on June 30th. The Boycotting and Molestation provisions were not made immediately applicable to all-India in this renewal Ordinance, but the power to extend these clauses, to any area, was vested in Local Governments. Certain Provinces, such as Assam and the Central Provinces, dispensed with the Boycott and Molestation provisions in some of the districts. This exemption from certain clauses of the Ordinance in reality meant little, for two reasons: (1) because by this time Police *Raj* had become normal and the existence of particular clauses or their absence was not as significant as the police *lathi*; (2) because the power to extend remained with the Local Government, which in reality meant the local official; (3) in any case the general powers were wide enough to cover any action taken against the citizen. Section 51 made any action taken under the Emergency Powers Ordinance immune from any interference by any court of law.

The position remains substantially unaltered, as the powers are retained in the amended legislation now in force (popularly called the Ordinance Act).

While the Ordinances prohibited boycotting alone and conferred no powers on the police to beat pickets or arrest

them on private premises, the arm of the law was used in excess of legal sanction. To give instances: (1) "Buy Indian" propaganda was often and is always suspect; (2) pickets were beaten and "dispersed"; (3) police entered private premises; (4) penalised merchants for *hartals*, etc.; (5) threatened and warned merchants who obeyed Congress instructions; (6) allowed opium and liquor shops to sell after hours in contravention of the law.

### Government and the Boycott.

In view of the way the Ordinances were being operated the Indian Liberals memorialised the Viceroy, stating that they desired to

"draw the serious attention of the Government to the fact that in the opinion of leading lawyers the preaching of temperance, prohibition, agitation against the export of gold, the advocacy of the use of *khaddar*, and even the use of Indian goods (*Swadeshi*), would be illegal under the Criminal Law Amendment Act."

It was further urged that the Congress was not the only body engaged in those activities, and therefore called on the Government to make a clear declaration that "they do not propose to proceed against or punish any individual that may be engaged in such activity." The memorial also referred to the "Buy British" campaign in this country, and asked whether the advocacy to "Buy Indian" should be made a criminal offence, as appeared to be done under the law as it stood.

In his reply the Viceroy argued that Congress was engaged in these activities as "part of a general policy to cripple permanently the Government of India and Great Britain," and that he was advised that such activities practised without any attempt to assist an unlawful association would not be against the law.

Not many days after this pronouncement by the Viceroy a procession organised by the "Buy Indian" League in Bombay was banned by the police. "Buy Indian" processions were similarly *lathi* charged in many places, notably in Madras.

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\* This point has been dealt with in the chapters on Police Raj.

† The whole of Mul Jetha Market is private premises, but police enter there in spite of traders' protests.

‡ A *Hartal* is a stoppage of work. Shops are closed. It differs from a strike in that it is not merely withdrawal of labour, but suspension of all activity.

The Government of Madras, in a *communique* dated the 2nd April, announced that they had "no wish to put any obstacle in the way of the genuine advertisement of Indian goods, but the fact remains that the *Swadeshi* enterprise has become associated with Civil Disobedience. It behoves them, therefore, to conduct their propaganda with great circumspection and avoid even the appearance of sympathy with any unlawful movement."

In Bombay, the Government, in its efforts to break the Boycott, circularised a number of cotton merchants to render assistance in breaking the Congress Boycott. The letter is signed by Mr. G. Willes, Secretary to the Finance Department of Bombay, and twenty-eight firms are said to have received it. The Bombay Cotton Merchants' Association and the Cotton Brokers' Association were similarly circularised, and it was suggested to them that they had been acting at the behest of Congress.\* The Bombay Government were also considering legislation to regulate the cotton trade.†

### The "Buy-Indian" Campaign.

This movement has a large following in South India and draws to it numbers of people who are in sympathy with Congress, but either do not agree with the Civil Disobedience movement or cannot afford to make the sacrifices it demands. Its principal organiser is Mr. Shiva Rao, the Labour leader, who has built up an extensive movement in just over a year. Side by side with it, a constructive programme of *Swadeshi*, cottage industries, exhibitions, etc., has developed. Among national leaders, Pundit Malaviya has given his moral support to the movement. The President of the "Buy Indian" League is Mr. T. R. Venkatarama Sastri, a prominent Liberal, and a former Advocate-General to the Government of Madras.

In spite of the cautious and non-political character of its work, it has suffered at the hands of the police, in a number of places, and been prohibited in others. We give on p. 397

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\* This is a thinly veiled threat; under the Ordinances the merchants could be proceeded against for assisting the operations of an unlawful assembly. The suspicion is sufficient to warrant their imprisonment or sequestration of their funds or property.

† The Indian trade associations protested against the measure.

a few cases of such action about which we were told in India :

28th February.—*Delhi*. Swadeshi League procession lathi-charged.

28th March.—*Jalagon*. Merchants dealing in Swadeshi cloth arrested for displaying a board, "Cloth by Swadeshi Mills, certified by Congress, can be had here."

1st April.—*Bombay*. "Buy Indian" procession banned by the Police Commissioner.

29th May.—*Muzaffarpur*. "Buy Indian" procession prohibited.

29th May.—*Balasore*. Ten persons arrested for distributing Swadeshi League leaflets.

1st June.—*Bareilly*. Boy arrested for distributing Swadeshi League pamphlets.

15th March.—*Narasapur*. "Buy Indian" procession dispersed by armed police, who cane charged. (Protest cables sent to the Premier by Mr. Sastri and Mr. Shiva Rao.)

These instances are from different parts of India.

#### (IV.) THE ORGANISATION OF THE BOYCOTT.

The Congress is concerned with the militant and regulative side of the campaign. The constructive side is looked after by the Swadeshi leagues, "Buy Indian" campaigns, the *khaddar* movement, etc. We have referred to this latter side briefly in previous pages.

The Congress regulates the Boycott. There are lists on which wholesale firms and mills are placed, which are circulated to retailers, and retailers doing business with firms not on the list were liable to be picketed. Mills on the list had to agree to certain conditions with regard to the use of Indian capital, labour and control, and also to refrain from spinning low counts which would compete with *khaddar*. Congress regulations also sought, we do not know how effectively, to control prices and prevent profiteering. It was able to do this in the *khaddar* trade through the machinery of the All-India Spinners' Association and its many depots all over the country. Mills that refused to accede to the Congress regulations were blacklisted.

The success of the Boycott has been due to the large volume of consumers' opinion in favour of it, and also because retailers were both willing to assist Congress and afraid that



If they ordered foreign goods they might not be able to dispose of them. Further, dealing in *Swadeshi* goods was good business.

Picketing was done mainly by women and youths and consisted in standing before a shop and entreating people not to buy or prostrating before them. There is no attempt to intimidate prospective buyers, but public opinion is on the side of the pickets, so that a prospective customer to a foreign cloth shop, more often than not, changes his mind. The manhandling of the pickets by the police has also assisted the Boycott movement. Even with those with whom the Congress is unpopular the police and the Government are less popular.

### **The Boycott Programme.**

The programme is designed

(1) To affect adversely Britain's trade interests, which are believed to be both the bulwark and the foundation of the Empire in India.

(2) To foster *Swadeshi* industry.

(3) To create a national spirit of confidence and self-respect.

(4) To affect Government customs revenue.

These objects are sought to be attained by :

(1) Picketing of liquor and opium shops.

(2) The boycott of British goods.

(3) The boycott of British firms.

(4) The boycott of foreign cloth.

(5) The boycott of foreign goods.

(6) Obstruction and discouragement of gold export from India.

Different degrees of fervour attach to these various items. As has already been pointed out, the Boycott concentrated mostly against British goods and British cloth in particular. The boycotting of British firms was practised mostly in Bombay and against British cotton mills in India.

### **Boycott of British Firms.**

This aspect of the Boycott, which was a marked feature in Bombay, has been mainly possible on account of the loyalty of the Indian cotton brokers and dealers to Congress policy. Many prominent men in the cotton trade were

arrested or otherwise dealt with under the Ordinances. European firms are members of the Cotton Brokers' Association, and they complained at a meeting on the 16th July, 1932, that Indian firms had refused to do business with them since February of that year. After the question was fully discussed, the President stated that the Boycott was imposed by Congress, which was a powerful body and had public opinion behind it. He considered the Boycott in cotton, unsound, from an economic point of view, as it reduced the number of buyers and consequently the price of cotton. But public opinion was strong against trading with British firms, and the remedy, in his view, was for the British firms to arouse public sympathy on their side.

This situation developed towards the end of our stay in India. Trading with boycotted firms was attempted to be resumed, and on the 6th October there were "formal"\* transactions between well-known British and Indian firms. The view of Congress leaders was that the Boycott should not be imposed by coercion and that if the merchants wished to trade they should have the liberty to do so. The markets were, however, picketed, police arrests roused public sympathy and, in spite of the decision to do business, little was done. At this stage conversations appear to have been opened between Congress authorities, represented by Mr. Devadas Gandhi and Mr. Pyareal, Mr. Gandhi's secretary, and the Indian and European cotton firms. The Police Commissioner also appears to have taken an interest in the negotiations. Congress conditions included the release of some pickets (brokers themselves), which became a matter for communication with the Bombay Government at that time. The European merchants and the Indians had seen the Police Commissioner, and a compromise was arrived at, and the Congress authorities in Bombay decided to lift the Boycott and call off the pickets. The settlement was based on a statement of their attitude by the principal European firms who had been placed on the Boycott list. It was signed by Mr. H. B. Moore, on behalf of the European firms, and stated :

"We understand that the present unfortunate situation in the cotton market might be solved if certain misapprehensions about the attitude of our group could be cleared up.

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\* Bales of cotton were bought and sold, members of well-known Indian and foreign firms being parties to the transaction. Very little business was done on that day despite the formal resumption of trading.

"With this object in view the firms of Chrystal & Co., Gill & Co., Langley & Co., Ralli Brothers, Rodoconachi & Co., Spinner & Co., The Bombay Company Limited and Volkart Brothers wish to make the following statement:

"We fully sympathise with the national aspirations of our fellow members in the cotton trade.

"As we signified by supporting the resolution recently passed by the E.I.C.A., we are anxious to see the early restoration of political peace and the speedy termination of the present unsettled conditions. We believe that the withdrawal of the Ordinances and Civil Disobedience would help to achieve the desired peace in all markets.

"The resolution passed respectfully submitted that the early release of Mahatma Gandhi would accelerate the end of the trouble, and to this view we adhere.

"We understand that there is a desire not to do business on Mondays for the present. If this is the general feeling in the trade, we have no desire to antagonise it.

"We are confident that the resumption of free trading will lead to the early release of all merchants detained in jail, under the Ordinances, on account of the conduct connected with the Boycott in the cotton market, and we will do what we can to bring this about.

"We hope that this letter will remove all the misapprehensions which exist, and will lead to the immediate resumption of free trading in the interests of all concerned."

At the time we left Bombay we heard that further difficulties had arisen owing to the agreement not being kept, and there was much dissatisfaction on the Congress side.\*

The organisation of the Boycott had reached such a degree of perfection that the authority of Congress was widely accepted in places like Bombay. Some Moslem shops sold foreign goods, and it was the usual policy to leave them alone, but we were informed by Moslem friends that Moslem retailers could not expect to make their business pay by Moslem custom alone, and also that a number of Moslem consumers had turned *Swadeshi*, with the result that they found that it paid to turn *Swadeshi* too. We saw Moslem shops picketed in Cuttack, and it appeared quite effective, though the pickets were only lads of 16 or 17.

Existing stocks of foreign cloth have been sealed by Congress. We saw these sealed packages in every town we visited. We asked the merchants what they proposed to do with it, and the answer almost always was that the

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\* A few days after, a number of Congressmen, who were the power behind the Boycott, were arrested. The negotiations which had taken place, with the Police Commissioner taking an interest in it, had enabled the police to pick out the people who controlled the Boycott.

Mahatma and the Congress would consider the problem in due course. The majority of the merchants do not try to evade the restriction now, but in any case the Congress organisation has enough power and knowledge to control these stocks and prevent them being marketed. The real aim and effect of this sealing of stock is to prevent further orders for foreign goods being placed.

#### (V.) PICKETING.

Picketing has only recently been adopted as a method in Indian agitation. Even peaceful picketing is prohibited by law and is penalised even when it is adopted in Labour disputes. The provisions of the Ordinances and the powers that the police have learned to exercise are used to "disperse" these pickets, which often means beating them to unconsciousness, manhandling them, dragging them along roads, and other forms of cruelty, of which we have already given instances. We have also drawn attention to the Government's justification of the beating of pickets and the legality of the use of force. Picketing is adopted to further the external Boycott which we have so far discussed.

It is also used to further the "internal Boycott," which included in the 1932 campaign\* :

1. Liquor and opium shops.
2. Government institutions, banks, etc.
3. Brothels.

The first item is part of the constructive programme of the Congress. It also works as a weapon of attack against the Government, since the decrease in liquor and opium consumption produces a shortage in the Government revenue. The picketing of liquor shops has been done to a very large extent by women and is an indication of the extent to which the nationalist movement has changed the order of things in India. No more than persuasion is employed, but in the picketing of liquor shops women volunteers face insults from prospective customers as well as beatings by the police.

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\* Picketing was also practised in isolated cases by reformers to prevent marriages of young girls to aged widowers.

Opium shops, where anyone\* can buy opium, are regarded by re nascent India, and more particularly by young Indians, as a blot on Indian society. These shops are picketed, and the police remove pickets, forcibly, when they do not arrest. We saw the picketing of opium shops in Cuttack, where the law, represented by a Sub-Inspector and several constables, allowed the opium shop keeper to keep his shop open after regulation hours, and facilitated by the use of force the purchase of opium, both by novices and addicts. Young boys who put up both their hands in entreaty to those who came to buy and implored them in the name of Gandhi and India not to buy opium, were beaten. They then prostrated before the customers; the police dragged them along the roads, kicking them in the process.†

The picketing of Government institutions and banks was not very widespread when we were in India, but their purpose is to persuade people to boycott British banks and Government institutions, as part of the Civil Disobedience programme.

The picketing of brothels, as far as we know, was adopted mainly by the Red Shirts of the Frontier. Abdul Ghaffar Khan conceived his movement as one of social reform, as well as of unification and liberation, and he organised his people to work actively against social evils, as well as for political ends.

The theory of Government action against picketing is that the individual must have his freedom. In practice the Government forces find themselves ranged on the side of vice and reaction and use both legal machinery and the strong arm to promote anti-social ends. The theory of protecting the liberty of the individual does not extend to shopkeepers who close their shops voluntarily. They are ordered to open them and trade.‡

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\* No doctor's prescription or permit is required; the shops are licensed by the Government. The production of opium is under Government control.

† The road on which the incident took place was rough cobbled road, and the dragging was by no means a mere effort at removing the volunteer. There were enough policemen present to "move" all the volunteers without dragging or other violent methods.

‡ We have with us copies of circulars issued by Sir Patrick Kelly to shopkeepers in Bombay, calling on them to open their shops.

The use of the economic weapon is at present confined to the methods that we have described so far as the urban areas are concerned. In the villages it takes the form of no-tax and no-rent campaigns, and the struggle for *Swaraj* is predominantly of the character of an agrarian revolution.\* Industrial labour as a class has not yet been called on, by the national movement, to take its place in the *Swaraj* offensive. What we have said in our chapter on Labour indicates our view of the attitude of the urban industrial worker to the political problem. There were groups of young men in Bombay and elsewhere who were not unaware of the power of the industrial weapon to bring about political changes. Generally speaking, Congress is now weighted by the peasant and the village; the young intellectual in Congress, who thinks more of the industrial worker than some of his friends, is either not yet ready to act or considers that he should not endanger labour organisation by placing it wholesale at the mercy of the Ordinances.

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\* It has been so described by the authorities in India and by Sir Samuel Hoare.

## CHAPTER XX.

### THE NORTH-WESTERN FRONTIER.

"In the North-West Frontier Province, Abdul Ghaffar Khan, and the bodies he controlled, have continually engaged in activities against the Government and in fomenting racial hatred. He and his friends have persistently refused all overtures by the Chief Commissioner to secure their co-operation and, in rejecting the declaration of the Prime Minister, have declared in favour of complete independence. Abdul Ghaffar Khan delivered numerous speeches, open to no other construction than an incitement to revolution, and his adherents attempted to stir up trouble in tribal areas."

(Reply from the Private Secretary to the Viceroy to Mr. Gandhi, December 31, 1931.)

"... Your telegram contains a narration of facts which, on the face of them, furnish no warrant for the arrest of popular leaders, passing of extra-legal Ordinances, making life and property utterly insecure and shooting unarmed crowds for daring to demonstrate against their trusted leaders. If Khan Sahib Abdul Ghaffar had asserted his right to complete independence, it was a natural claim, and a claim made with impunity by the Congress in its resolution passed at Lahore in 1929 and by me with energy put before the British Government in London. . . .

"... Nor am I able to detect in a mere refusal to attend a Durbar an offence warranting summary punishment. If Khan Sahib was fomenting racial hatred it was undoubtedly regrettable. I have his own declarations to the contrary made to me, but, assuming that he did foment racial hatred, he was entitled to an open trial where he could have defended himself against the accusation."

(Mr. Gandhi's reply to the Viceroy, January 1, 1932.)

#### (I.) A SURVEY.

**T**HE North-Western Frontier of India is the northern and eastern boundaries of Baluchistan, the Indo-Afghan boundary known as the Durand Line, and the Hindu-kush mountains. In the earlier history of India the Hindu-kush has often been the Indian border, while the Empire of the Moughals included Kabul and Kandahar,\* the latter being originally a city of Hindu origin.

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\* The proper name of Kandahar is Gandhara, which is Sanskrit.

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### **The British Districts.**

Between these boundaries on the one side and the British Province of the Punjab and the Indian State of Kashmir on the other, lies the North-West Frontier Province. Not the whole of this area, however, is the British Province of the N.W.F.P., for which a new Legislature with limited powers was established in 1932. The whole of the area is subject to the authority, supervision and control of the Governor of the N.W.F.P. (formerly Chief Commissioner), who has a dual capacity.

Over the five British districts comprised in this area, Peshawar, Hazra, Kohat, Bannu and Dera Ismail Khan, the Governor is the head of the whole Administration, which, now, is somewhat similar in structure to what obtains in the rest of India. Beyond the British districts and up to the Baluchi-Duran-Hindukush border are the "tribal areas," which are referred to as "independent territory." Over this "independent" territory the Governor of the N.W.F.P. functions as agent to the Governor-General. The heads of the five British districts, who are called Deputy Commissioners, are also responsible for the management of relations with tribes in their proximity.

### **The "Independent" Territory.**

The total area of the North-West Frontier region is approximately 39,000 square miles, of which only 13,500 square miles are covered by the five British districts, the remainder being tribal territories and Indian States. Out of the total population of 4,682,685 in the whole area, 2,259,305 are in the "independent" territory. The people are mostly Pathans by race and Moslems in religion. The Hindus, mostly in the British districts, are a small minority of 6 or 7 per cent.; there are also about 30,000 Sikhs and a few Gurkhas in the Province. The richest part of the area are the British districts, which include agricultural valleys watered by the Indus; but the region as a whole is mountainous and the tribal areas are mostly infertile and thinly populated.

Till 1932 the N.W.F.P. was administered by a Chief Commissioner and a hierarchy of officials under the Government of India. In 1932 a Legislative Council was established

for the British districts. The Chief Commissioner was thereafter called Governor, and while the Province still receives a very large subvention from the Indian Government, without which it would not be able to carry on, the districts are now administered under a constitution similar to what obtains in the rest of India. The Legislature consists of forty members, some of whom are officials, some others their nominees, and the remainder elected representatives. The higher officials, police and administrative, are all British. The Governor, however, has an Indian Personal Assistant, who ranks as an Assistant Political Agent.

The extent of interference in the internal administration of the "independent territory" varies; some parts are administered by British political agents, while all of them are under British sway. The Chiefs are in receipt of British subsidies, and many of them, we were also informed, derive benefit from large Government contracts for roads and other military works. A certain amount of tribal justice and tribal government is still left to these people.

British roads run through the "Independent" territory and are heavily guarded by a line of Block Houses, and the tribes in the vicinity are held responsible for breaches of the peace. The tribal chieftains who receive British subsidies are also part of the scheme of control over the area. The tribesmen carry rifles and, in one of the factories that we saw, manufacture what appears to be perfect imitations of Service rifles, with primitive and inexpensive tools. This rifle factory is on tribal territory, but it projects into the British district of Kohat and British authorities know what transpires there.

### **Our Inquiry.**

In the British area, we saw parts of Peshawar District. We motored through tribal territory, through the Khyber Pass to the Indo-Afghan border. We also saw the Kohat Pass. We had intended to go into the Hazra District to see the jail at Haripur,\* but permission to see the jail, which we had been given, was cancelled at the last moment. From Peshawar town we went to a number of villages in the district and outside.

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\* We saw the Peshawar Jail.

In the N.W.F.P. we were the recipients of official assistance and hospitality to an extent greater than we had hitherto experienced in the rest of India. We were received by the Assistant Political Agent, Khan Bahadur Khuli Khan, an Afghan gentleman in British service. Our host, Rao Saheb Mehr Chand Khanna, is a Hindu member of the Legislative Council and a supporter of the Government, and while he was in touch with the Indian opinion in the Province he had many officials among his friends. We interviewed His Excellency Sir Ralph Griffiths, the Governor of the Province, and a number of police and administrative officials. We also met jail officials, members of the Government and the Minister of the Province. Indeed, we found in the Province that our official engagements were taking up so much of our time that we had to extend our stay by two days to see the villages and people for ourselves.

On the Indian side, we met members and leaders of the Red Shirt movement, which, though suppressed, is still well organised and widespread; members of the "Old Congress," Independents, Khilafat, Hindu and Sikh representatives, and a large number of men and women in the villages.

## (II.) THE ORDINANCES.

We have devoted a chapter to the North-West Frontier Province for several reasons. The Province was among the earliest to come under the Ordinances (24th December, 1931), and before Mr. Gandhi's return to India, the leader of the Province, Abdul Ghaffar Khan, had been imprisoned for an indefinite period without trial. In India itself there is a paucity of news about what happens in the Province owing to the strict control exercised by the Frontier Government. The news of the firing at Kohat, of mass arrests and imprisonments, the burning of houses and destruction of property percolated to India in spite of the restrictions. On the Government side, it was freely suggested, if not asserted, that the popular movement in the Province was in the character of a frontier rebellion, which would easily endanger the security of the people in India, that its aim was the establishment, by force, of a Pathan kingdom, that fanatical tribesmen would descend to the plains and that the situation required severe and summary measures.

The action that had been taken in the Frontier Province by the Government had shocked some of its best friends. Maulana Shafi Daudi (Moslem), a member of the Legislative Assembly, criticising the policy of the Government, said that beyond Attock bridge there was a state of terror ; people were terrified even to speak loudly about incidents and talked in whispers. He also alleged that the subordinate officials had run amok and expressed the view that unless there was a change in the personnel of the administration of the Province, there would be no peace.

The Ordinances were promulgated on the 24th December, 1931, but prior to these, during the period of Truce, prohibitory orders and restrictions had been issued by the Government.

### **The Government Case.**

The statements issued by the Chief Commissioner of the Province, which set forth the activities of Abdul Ghaffar Khan and his Red Shirts, the allegations of violations of the Truce and finally the reasons why the Government took drastic action, have been published as part of a Blue Book. (East India: Emergency Measures, 1932, Cmd. 4014, pp. 20 to 46.)

The statements contain a number of allegations against Abdul Ghaffar Khan and his Red Shirts, instances are given of the alleged guilty actions of the Red Shirts, and passages of speeches, which Government consider intolerable, are quoted.

The main charges set forth in these documents appear to be :

1. That Abdul Ghaffar Khan had used the Truce period to tour the Province and organise the Congress movement, Youth Leagues, etc. "This period," it is stated, "marks the beginning of that fresh phase of his activities" which has "culminated in the action that the Government has been compelled to take" (p. 21).
2. That Abdul Ghaffar Khan disobeyed prohibitory orders and toured villages, addressing political meetings in mosques, under the guise of religious meetings, and that people collected to see him and made demonstrations.
3. That he pursued his campaign for the non-payment of Revenue and Water-rates and persuaded people to refuse to take Government Canal water.
4. That his Red Shirts were doing propaganda in tribal areas. That papers were found on one of these propagandists which showed that he had been in touch with the anti-Government

party in the Afridi country. (The Government despatched troops to Dorgai to deal with this.)

5. That there is evidence to show that the Mohmand (tribal) territory had been affected by the Congress propaganda in Peshawar.

6. That the Provincial Congress Committee, at its meeting at Utmanzai, repudiated the Premier's Declaration of 1st December, 1931, and repeated the demand for Indian Independence.

7. That in his speeches Abdul Ghaffar Khan had always referred to the temporary nature of the Truce.

8. Though great stress was laid on the observance of a policy of non-violence, the people were encouraged to expect some great event, to be united in anticipation of it, and to be ready to resume the struggle, which was described as "war."

9. On the 17th July he had said at a Conference at Meerut that he had joined the Congress because both had the same object, namely, "to drive the British out of India."

10. That in a number of cases Red Shirts had interfered with the law, by compounding cases, or administering justice, or withholding evidence.

### The Charges Examined.

The greater part of the charges refer to the Khan himself. We had no opportunity of meeting him, as he was in jail. The allegations which we have summarised above are not all denied by the Red Shirts in the Province, or Congressmen in India. The Truce did not contain any promises of suspension of Congress propaganda; the Congress was not then an unlawful body, and its object still remained Independence or *Purna Swaraj*. Also, no one denies that Congressmen like Abdul Ghaffar Khan and Pandit Jawaharlal Nehru, from the very first, looked on the Truce as what it really was, a suspension of hostilities. Mr. Gandhi, who was one of the parties to it, also looked on it in the same way, though he hoped it would be transformed into peace. The Truce and the Simla agreement that followed had definitely exempted non-co-operation in respect of agrarian disputes from its clauses. The campaign against water-rates came under this and it was repeatedly urged on us, both in the Punjab and in the North-West Frontier Province, that the peasantry have a genuine grievance in this respect.

The rest of the charges also refer not to overt acts but to opinions held and to propaganda.\* The Government admit that there was insistence of non-violence. According to

\* The Blue Book, however, contains instances in which the Government alleges that the Red Shirts tampered with the law, and used force against citizens.

the Government statement, Abdul Ghaffar Khan had disobeyed orders, and it would have been open to the Government to prosecute him, allowing him to stand a trial, which it did not.

### **Abdul Ghaffar's Speeches.**

Abdul Ghaffar Khan is also alleged to have made violent speeches. We quote some sample passages from the Government's own collection :

"If I do not die I will prevent the English from ruling my country, and with the help of God I shall succeed."

"People complain against me for having joined the Congress by selling my nation. The Congress is a national and not a Hindu body. It is a *Jirga* composed of Hindus, Jews, Sikhs, Parsis and Muslims. The Congress as a body is working against the British. The British nation is the enemy of the Congress and of the Pathans. I have therefore joined it and made common cause with the Congress to get rid of the British. We should not be deceived by the tactics of the *Farangi*."

"We (the Red Shirts-Congress) have two purposes: first, to free our country, and, secondly, to feed the hungry and clothe the naked."

"Do not rest till freedom is won. It does not matter if you are blown up with guns, bombs, etc. If you are brave, come out on to the battlefield and fight the English, who are the cause of our troubles. Congress is a society against the English—the English are the common enemies of the Congress and the Pathans. For that reason I have joined the Congress."\*

### **Official Dislike of the Truce.**

These passages which we have taken from the Blue Book are presumably Government translations of police reports of Abdul Ghaffar Khan's speeches. The selection of the passages as they appear in the Blue Book are also the Government's. It is part of the evidence to show that the situation in the Frontier was such that it had to be placed under Ordinances and the leaders arrested.

The impression that we gathered from our conversations with the official side was that the Truce was a mistake, and but for the Truce, and the fact that the Red Shirts had become part of the Congress organisation and had adopted non-violence as their policy, they would have been suppressed much earlier. The Frontier official did not look on propaganda, ideas of *Swaraj* and Independence and organisation of the people, even with that degree of

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\*The above paragraphs are not all from the same speech, but relevant extracts taken from the Government collection in Cmd. 4014.

tolerance which the events of recent years have bred in his colleague of the plains. It was also stated to us by a very high official that Abdul Ghaffar's real plan was to create a "Pathanistan" and not to work for Indian self-government.

### **Violence vs. Non-Violence.**

There is little in the extracts of Abdul Ghaffar Khan's speeches which have been collected in the Blue Book to show what Abdul Ghaffar means by "the battlefield," "the fight," "the war," and such expressions. These words have been used by Mr. Gandhi, whose non-violent creed is not disputed even by his enemies. We were deeply impressed by the hold that the non-violent doctrine has obtained on the Pathan. He is still a fighter, but he has harnessed his militant spirit to the technique of keeping his arms folded and let the opponent do the beating or firing. Abdul Ghaffar is known in India as the "Frontier Gandhi," and he has, from all reports (from different quarters) that we have had, been loyal both to the non-violent doctrine and to the decisions of Mr. Gandhi and the Congress. The official side, or at any rate part of it, does not attach much importance to this, and some of the officials even told us that the Red Shirt movement was not non-violent. A few "Loyalists" among the Khans, the landholders who came to see us, also repeated this view. Indians holding high posts or in the confidence of the Government, including Sir Abdul Qayum, the Minister, told us that whatever may be said against the Red Shirts, it must be admitted that they were well organised and disciplined and that they were non-violent. We quoted to the Minister a remark made to us by a high official, an Indian, to the contrary, and the Minister, in the presence of a number of distinguished people at a party, dismissed the allegations as entirely unfounded. We questioned villagers, Hindu supporters of the Government, journalists and other people, and all the information we received from these different sources go to confirm the fact that the Red Shirt movement has adopted the creed and practice of non-violence. It is only those who know the proud temper of the Pathan and his code of honour and chivalry in the face of insult or assault, that can appreciate the significance of this change.



### (III.) POLICE REPRESSION.

There are parts of Gujerat and Bengal where police conduct in villages has approached that which obtains in the Frontier Province, but in the latter Province, on the whole, the repression is more akin to a state of war. Also the population is in a larger measure opposed to the Government.\* We saw some of the results of police excesses in Utmanzai, Charsadda, Mardan, Peshawar, and other places. They included :

1. Burning of houses.
2. Looting and destruction of property.
3. Forcible entry into houses and beating of people.
4. Blockading of villages.
5. Looting of crops.
6. Entry of Zenanas.
7. Villages surrounded by troops.

We took a number of statements from villagers who had suffered from police excesses. We also saw the burnt *Hujras*, the looted houses and the broken-up furniture and utensils. We quote below extracts from some of the statements we recorded :

*Mass Beating.*—"A few days ago at one o'clock the police came to my house, broke open the door, pulled me outside and beat me. The police then collected the Red Shirts in the village and made them sit in the sun for two days, giving them no food or water. They were then taken to the *Thana* and beaten. Forty men were injured. A fine of Rs. 5 per head was levied. I was put in the lock-up and fined Rs. 50. All this was done because the police suspected a meeting. There was no meeting." (Statement made by Sardar of the village of Kandar.)

*House entered and inmates beaten.*—"About eight months ago, early in the morning before sunrise, police entered the house. Some of us were sleeping. I was awake and had taken the bullocks out. The yard in front was full of police. Police entered, took cooking pots, grain and beds away. Many things were broken. We said nothing. My mother, who was very sick, was removed from her couch. The ornaments of my brother's wife were taken away on account of revenue payment." (We took this statement from a girl, Nandana, aged fourteen, in the Takkar village.)

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\* We deal with this later in the chapter.

In the same village a woman, Sabiyan (Mrs. Rahmad), her daughter, Sherena, and daughter-in-law, Rahmina, made statements to us about the looting of their house. "About six months ago police entered the house, broke up the furniture, pots and plates. All three were asked to get out of the rooms and beaten with the butts of rifles. We were beaten and dragged." Mr. Rahmad, we were told, was a Red Shirt.

### Looting.

*Money taken away after Beating.*—Amin Ghul Malik, of Takkar, who formerly received Rs. 100 a year as *Inam* from the Government, stated to us: "There was picketing in the next village. Police suspected me, came to my house in my absence and looted. They also took Rs. 480 from my waistcoat pocket, for which no receipt was given. The Superintendent of Police (European), Usman Khan,\* the Sub-Inspector, Mahomed Sidiki, the Head Constable, and some constables were in the party. I was beaten by the European officer with the hand. My hands were then tied behind me, I was beaten with rifle butts and taken to the lock-up, where I remained for ten days." This gentleman also gave us a list of the furniture which was collected and burnt by the police.

*Faz Dalah*, aged 78, an old agriculturist, a ploughman, whom we met in Charsadda, told us that he was trampled by a horse and the policeman pulled him by the beard. He was beaten and his *Koran* taken. His grandson, aged ten, was arrested. He had boycotted the Council elections. We asked him whether he would do it again and the old gentleman was emphatic that he would.

### Fines.

*A Street Fined.*—Habil Gul, of Utmanzai, was fined Rs. 100, and the fine was realised from the whole street. Ghulam Ahmed, aged 75, of one of the houses in the street, said that it was realised from him by the police by taking away his old clothes and rugs. Police enter houses even after dark without warrants.

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\* The spellings of names or persons and places may not be accurate in every instance.

When we were taking statements at Utmanzai, Bibi Jan, a widow aged 80, came up and told us with tears in her eyes that her son had been fined Rs. 50 and that he could not pay the fine, and that therefore the police would come and take away the mattresses, old clothes, pots and pans. She said she was speaking from the knowledge of what actually happens in the place.

*Fields Looted.*—Shah Swar, a peasant, told us at Utmanzai that he paid Rs. 65 a year in taxes for the Government. His field of sugar cane was looted by the police who are quartered in the town. They continued to loot day after day.

### **Torture and Fines.**

*Boys Tortured.*—Abdul Majid, of Utmanzai, who came before us, stated that he advocated boycott of elections. In his absence from his shop the police caught hold of his brothers, tied their legs with ropes, and hanged them by their feet from his roof and beat them. He had been beaten and dragged himself and put in the lock-up for twenty-eight days and fined Rs. 100. He was under orders to report each day. After hearing his statement, we sent for the boys in question. Raza Khan, aged 10, Shamshad, aged 7, Murtaza Khan, aged 12, and Jalib, aged 16, were brought. We questioned three of the younger boys separately, and they stated that the police had come to the Mundi (shop); They were all beaten, kicked and slapped. Only one constable used stick. They were hanged by their legs. The police closed the big door of the place.

*Punitive Taxes.\**—We went to a small village, Urmur, about twelve miles out of Peshawar. A punitive tax of Rs. 5.1.3 had been collected during the year from every house, including that of the Lambardar. Two men belonging to the village were alleged to be guilty of the murder of a villager. They had run away, and the Government ordered the villagers to pay the fine.

### **Troops.**

*A Village surrounded by Troops.*—On the night of the 24th December, 1931, the village of Thikal Bala (2,000 houses) was surrounded by troops. The Red Shirts' office was

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\* A large number of villages in the Province have been called on to pay punitive taxes.

looted ; chairs, carpets, books, etc., taken away. Houses were picketed by police. Some arrests were made.

In this village about 1,000 people had been fined. A fine of Rs. 190 was raised from nineteen men who were cutting grass in the field near the Cantonment, because they were singing. They were accused of shouting slogans.

About 300 houses have been entered by the police. Zenanas have been entered and property taken in lieu of fines. It was also alleged that children were being beaten and that Special Police were beating people against whom they had their own quarrels.

Mr. A. Juma Khan, a Government officer, stationed at Shera, was in the village on the night of the siege. He was at home for Christmas holidays. His son was president of the Red Shirts. The police looted the house. Mr. Juma Khan was kept in jail from 25th December to 17th May, until he was let out on bail. His eighty-year-old uncle, a retired Assistant Commissioner, drawing a pension from the Government, had a warrant issued against him, but he was not actually arrested, on medical grounds. Relatives were also put into prison. His son, ten years old, was fined, which was realised by selling his bicycle, worth Rs. 100, for Rs. 5. A policeman bought the bicycle. Mr. Juma Khan was dismissed from service.

### **Burnt Buildings.**

At Charsadda and Utmanzai, and in the neighbourhood of Peshawar itself, we saw the remains of *Hujras*\* that had been burnt down, and came across numerous cases of police looting and mass beating. In Utmanzai, there stood the remains of the entrance of the public market and shops, which had similarly been burnt down.

### **The Mardan Incident.**

We went to Mardan one morning both to see the place and to meet people from the neighbouring villages. We understood that Mardan was the centre for many hundreds of villages. We went into a *Hujra*, a two-storeyed building,

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\* *Hujra* is the name given to the front part of a house in the frontier village. It is the male quarters and is separate from the main house.

When we were taking statements at Utmanzai, Bibi Jan, a widow aged 80, came up and told us with tears in her eyes that her son had been fined Rs. 50 and that he could not pay the fine, and that therefore the police would come and take away the mattresses, old clothes, pots and pans. She said she was speaking from the knowledge of what actually happens in the place.

*Fields Looted.*—Shah Swar, a peasant, told us at Utmanzai that he paid Rs. 65 a year in taxes for the Government. His field of sugar cane was looted by the police who are quartered in the town. They continued to loot day after day.

### **Torture and Fines.**

*Boys Tortured.*—Abdul Majid, of Utmanzai, who came before us, stated that he advocated boycott of elections. In his absence from his shop the police caught hold of his brothers, tied their legs with ropes, and hanged them by their feet from his roof and beat them. He had been beaten and dragged himself and put in the lock-up for twenty-eight days and fined Rs. 100. He was under orders to report each day. After hearing his statement, we sent for the boys in question. Raza Khan, aged 10, Shamshad, aged 7, Murtaza Khan, aged 12, and Jalib, aged 16, were brought. We questioned three of the younger boys separately, and they stated that the police had come to the Mundi (shop); They were all beaten, kicked and slapped. Only one constable used stick. They were hanged by their legs. The police closed the big door of the place.

*Punitive Taxes.\**—We went to a small village, Urmur, about twelve miles out of Peshawar. A punitive tax of Rs. 5.1.3 had been collected during the year from every house, including that of the Lambardar. Two men belonging to the village were alleged to be guilty of the murder of a villager. They had run away, and the Government ordered the villagers to pay the fine.

### **Troops.**

*A Village surrounded by Troops.*—On the night of the 24th December, 1931, the village of Thikal Bala (2,000 houses) was surrounded by troops. The Red Shirts' office was

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\* A large number of villages in the Province have been called on to pay punitive taxes.

looted ; chairs, carpets, books, etc., taken away. Houses were picketed by police. Some arrests were made.

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with a courtyard in front and an enormous gate. As we came in we met many people on the way, and numbers of villagers who had come overnight from the neighbouring villages lined up the lane, in front of the *Hujra*. It was not a public road, and there was no traffic to be obstructed. The people were informed that we could not possibly meet all of them, and that those who had statements to make to us should come in. A number came in and the gate was closed. A little later, one of the members of the Delegation who had gone into another part of the town to pay a call on an English friend, returned, and as she passed through the lane the crowd made way in an extremely orderly fashion and greeted her silently. We then proceeded to take statements, but before we did so we asked our interpreter to tell the people in the lane to go away. The crowd at once dispersed quietly, and in a few minutes the lane was without people at all. We returned to take our notes. About half-an-hour afterwards we looked out through the window out of curiosity.

We saw in the lane, in front of the *Hujra*, a party of constables, armed with *lathis* and rifles, lined up. They saw us too. We did not think that it was our business to go down and speak to them or do anything which might conceivably lead to friction in any way. For that reason we gave up our idea of taking a photograph of the police party.

When we returned to our work of taking statements, we suggested that those who had already spoken to us or had no business should leave, as it was rather close and warm. Some of the men inside then proceeded to leave. In a minute or so there was noise downstairs, and we looked through the window. We saw the party of constables pushing the people who were leaving the place back into the *Hujra* and belabouring them violently with their full-sized *lathis* and hitting men with rifle butts. A number were savagely beaten with the *lathis* swung against their heads and bodies. An old man who was going away had his turban snatched, his hands tied up with it and his head subjected to a rain of *lathi* blows. We also noticed that the constables pounded people on their chests with the stout ends of the *lathis* with great violence. Some of the men who were thus pushed back came upstairs, and we saw their injuries. In addition to contusions and

bleedings, we noticed that the pounding on the chest had removed thick layers of skin and tissue. We witnessed the incident, but we were helpless to intervene, as we should have rendered ourselves liable to the charge that we were fomenting trouble or interfering with the maintenance of law and order. But it was a display of wanton and savage force on people who had done no harm, committed no offence or violence, and were not assembled for any unlawful purpose. A few minutes later a plain clothes man came hurriedly on a bicycle, whispered to the party of constables, and they moved away quickly.

Soon after, our host Mehr Chand Khanna's chauffeur, who had brought us to Mardan, came and told us that our car had been surrounded by armed police, and that they had threatened him.

#### **Lathi Charges in a Village.**

After this incident we motored to Takkar village, where we went into many houses and saw broken-up furniture, utensils through which bayonets had been thrust,\* and heard the complaints of the women of the village. On our way back we stopped at Gujargadi, where we met some of the villagers. Hazarat Shah and Ghulam Shah, of this village, came and spoke to us. They said that the previous night about 200 people went to that village on their way from Mardan. These men had heard rumours that we were expected to be in Mardan the previous day. It was too late for them to return to their villages, and so they went into the houses in Gujargadi, where they intended to pass the night as guests of the villagers. The police came at night and beat them with *lathis*, and entered houses questioning everyone whether they were guests or villagers. There were some children in the party, who were also beaten. The police party consisted of a Sub-Inspector and fifteen or twenty constables. The men who spoke to us were very concerned about the incident, since their guests had been badly treated. To a Pathan, guests are always honoured guests, and to see them beaten up like that was shocking to the villagers.

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\*The women told us that the destruction was done by a police party under a European officer, who himself had entered the house and broken up things. They also gave us his name.



## Blockading of Villages.

The villages round about Mardan, from where people were coming to see us, had been blockaded, and people had been beaten and forbidden to leave their homes. They were told that they were not to go to see the "Committee" (the Delegation). People had been chased, their hands tied with their turbans, and beaten. Some escaped through the fields. We took statements from several people, who had come to us, of what they had seen and experienced in the two preceding days in the villages. This blockading, according to our information, was done on a large scale.

Those who were not Red Shirts were also victims of police excesses. Only those who were well-known "Loyalists" were apparently safe. Ghulam Haider Khan, of Hoti, a landlord, told us that he was not a Red Shirt. On the 25th December, 1931, at three o'clock in the morning, the Assistant Superintendent of Police went to his house. "I got up from my bed and I was asked to go with him. I was put in the lock-up, and sentenced to six months' R.I. in B class and sent to Haripur jail." He was released on appeal after he was three months in jail. He has been a Municipal Commissioner for three years. His son is a Red Shirt and was arrested under the Ordinances.

The few instances we give, nor indeed any number of instances of incidents, will not convey an adequate impression of the situation in the North-West Frontier Province under the Ordinances. In many respects there are differences here from the rest of India. The North-West Frontier Province is usually regarded as a backward one both economically and educationally, and the masses as not interested in the larger life of the nation. The Pathan has also a reputation both for bravery and passionate violence. The stories of blood feuds, which are avenged or made by the summary disposal of an opponent, are common about this area. The police and the military arrangements in the Province also give one the impression of the place being an armed camp with a population that is under constant vigilance. Even in India, owing largely to the restriction of movement and news to and from the Province, there are strange impressions and views about life and ideas in the Frontier area.

#### (IV.) VILLAGES AND RED SHIRTS.

The Frontier village is quite unlike the *Rayatwari* villages of South India, or the *Zemindari* villages of Bengal. The houses bear a close resemblance to the Mussulman houses in the Punjab villages, and are usually walled in with heavily built mud walls. Poverty stalks naked in these villages, and social services are non-existent. The village is socially conscious and it is conscious as a whole community. It is not apathetic to happenings and it moves *en masse* in its ideas.

We found that both in the bazaars and in the villages of the Frontier Congress and Red Shirt ideas were the general ones, and whether people were avowedly Red Shirts or not they were in sympathy. The names of Abdul Ghaffar Khan and Gandhi were known everywhere. Each village may have a few hundred to several thousand houses. The peasantry suffer under heavy taxation and Government dues which they are unable to meet. The population is predominantly Moslem, but there are a few Hindu and Sikh families.

In Peshawar, among the political leaders, we heard the usual arguments about representation in the Legislatures, weightages, and percentages. The Hindus claim that though they are a 6 per cent. minority, they have as large a number of educated people, as a whole, as the Moslem population. In the villages, however, the Hindu worships his gods, speaks his language, and lives his family life in the midst of the Moslem. At Urmur, a village of 800 houses, we discovered there were only twenty Hindu families. Some of these Hindus had joined the Red Shirts, and the Moslem elders whom we met said that they were very concerned when Mr. Gandhi was fasting.

There are 300 Red Shirts in this village in spite of the Ordinances, and one of the leaders, Nawab Zaman Khan, we were told, asked H.E. the Viceroy when he was on his way to Landikotal why he treated the Indian people so badly. This candour is characteristic of the Pathan in his village home.

## Village Opinion.

We asked villagers about Abdul Ghaffar Khan and what he preached. The answer was that he advised them (1) to be non-violent; (2) not to resist Government officials with force; (3) to work for Hindu-Moslem unity, and that he told them that if they were united they could put an end to social evils and attain big things. We asked further questions and were told that he advised people to adopt simple habits and to economise. The villagers told us that "the Khan" did not preach hatred, but asked them not to attack officials. He always spoke for the whole of "Hindusthan," including Hindus and Moslems.

We also asked village people what their own views on these questions were, and here are some of the answers given us in Mardan and at Urmur village:

"The Government do not want unity in our country. Foreign goods make us poorer. We want freedom for all India. The British Government is treating us badly." Asked what they meant by freedom, they said "*Swaraj*"; cross-examined about what they understood by *Swaraj*, one of them said: "We want a Government of our own for the whole of Hindusthan (India). In an Indian Government we shall be men, not dogs."

The gathering expressed assent emphatically.

Another man said that foreign rule meant *Zulum*, and added that they wanted a government of the people, for the whole of Hindusthan. Others said that they all wanted what Abdul Ghaffar Khan wanted.

The villagers had views on other important questions also. For instance, they were not afraid that *Swaraj* would mean rule by the Hindus of the plains nor that the country would be outrun by tribesmen from across the border. There is no support for the ideas of Sir Mahamud Iqbal for a Moslem State in the North-West of India. Both the educated Moslems and the villagers in the North-West Frontier Province are against the idea, though many of them said they had heard about it.

## Abdul Ghaffar Khan.

The "*Frontier Gandhi*" is a *Khan* and much respected by his people. The Government have deported him under Regulation III. of 1818, but from what little we saw of the Frontier villages, it is futile to expect a settlement of the present difficulties with Abdul Ghaffar in jail. With Mr.

Gandhi and Pundit Jawharlal, he forms the triumvirate without whose assent no Congress decision can at present be reached to advantage. Abdul Ghaffar Khan has been a Congressman from 1919, the time of the Rowlatt agitation. In 1929 he went to the Lahore Congress session and returned to his Province greatly impressed and determined to spread the Congress gospel there. He resigned from the Khilafat Committee, with which he had been associated, because that body had about that time become anti-Congress. This act in itself is proof of Abdul Ghaffar's determination to place India before any sectional interest. His opponents, Indian and British, frequently allege that he is only using the prestige of the Congress to further his own end, which is to carve out a "Pathanistan" in the North-West of India. In 1931 he was appointed representative of the Congress in the North-West Frontier Province, and the Red Shirt organisation became the provincial Congress Committee, though it is called a Provincial *Jirga*. He made his appeal to the masses, and the Congress in the Province became increasingly a mass movement, with a mass following and a leadership drawn from the masses. The older Congressmen disapproved of the methods of Abdul Ghaffar and his more militant followers, and resigned after making a protest to the All-India Congress Committee. They still call themselves the "Old Congress," but are in reality like the Liberals and the Responsivists in the rest of India. They form the independent opposition in the Council and are in fact opposed to Direct Action and mass appeals.

### The Red Shirts.

The real name of the movement known in this country and named by the British Government as "Red Shirts" is *Khudai-Khitmatgars*, meaning the Servants of God. The "Red Shirts" is the name given to this body at first by the officials, and now it has obtained currency. The officials, according to some members of the Legislature, did not want to refer to them as the servants of God. It was originally started by Abdul Ghaffar Khan as a movement of social reform and regeneration, to arouse self-respect and high purpose among the people. Abdul Ghaffar by his work, acknowledged even by his enemies, endeared himself to

his people, and his ideas influenced his kinsmen among the "tribes." The Pathan does not recognise the political divisions which separate the British and tribal districts, the people living in the agency areas are often his relatives.

According to the villagers, the *Khudai-Khitmatgar* is a movement to stop drinking, to promote honesty and unity, to encourage *Khaddar*, and to prevent feuds. The organisation of the movement is military in character and a very high level of discipline is maintained. In some areas it has spread very much; for instance, in the Mardan District in many hundreds of villages there was a Red Shirt in every house, and a local Red Shirt official almost in every village. The Red Shirt officers have military titles, and their organisation follows the army pattern. When we were in India, though the movement had been declared unlawful for about nine months it flourished and had developed its own secret organisation. The leaders of the Red Shirts are, almost all, village people and many of them unlettered. We met the "Commander," who came of peasant folk, but his hold on his people was impressive. The Red Shirt officers know each other and the Red Shirts in a village know their officer.

### **An Agrarian Movement.**

There is no doubt also that the landed gentry in the Provinces view the Red Shirts with suspicion, if not actual hostility. Some landlords, it is true, had joined them just as some landlords in the rest of India had joined the Congress. The *Khans* are against it and made representations to that effect to the Government. Abdul Ghaffar's talk about "clothing the naked and feeding the hungry" is not approved by them. At Mardan, the villagers told us about the poverty of the peasant, about taxation which increased with every Revenue Settlement, about the high cost of irrigation, water, and other economic grievances. They also argued that the land belonged to the people and that they were going to fight for their rights. The fighting strength and local leadership of the *Khudai-Khitmatgar* comes almost entirely from the peasant classes, and while its moral and religious appeal no doubt contributes to some of its strength, the economic plight of the bulk of the people in the Province is largely responsible for the character that the movement has acquired and preserved. In the Legislature questions

have been asked about social services, the neglect of which is a plank in the Red Shirt platform, but the Treasury benches have returned an evasive answer or shown little interest in the questions.\*

#### (V.) OFFICIALS AND THE PEOPLE.

Peshawar is a study in contrasts. There is the Cantonment well laid out, with gardens and lawns, its well-built roads and bungalows and its spacious parks or open grounds. Its water supply and sanitation, electric light and *punkhas* render it one of the best places in India to live in, in spite of the heat of the summer. Just outside the gates and the barbed wire fencing of this luxurious colony is the City of Peshawar, with its rugged and dusty roads, its narrow alleys, its insanitary surroundings, dingy shops and houses and tumble-down appearance.

The European population live in the Cantonment, where there are also a few Indian houses, mostly of the wealthy. The military, who are stationed in the Cantonment, live behind the barbed wire and are protected by the civilian police. Some of the members of the Legislature drew our attention to this, and asked why the military, who were themselves there for the protection of the people, should have to be guarded by the civilian police, while the City, they allege, is left to look after itself, the police being most in evidence as punitive agents against political activity. The legislator's arguments may be a little far-fetched, since any body of soldiers living in the midst of a civilian population will have to be protected by the police if they are not to do the police duties themselves as in a regime of military rule. But the substance of the complaint, which is that in the Province the guarding of the people has to be done by themselves in spite of the elaborate arrangements and expenditure on armed forces in the area, is not altogether to be dismissed lightly. The police, it is alleged, leave the citizen to protect himself. Mr. Pir Buksh, M.L.C., in moving a reduction of the Police Grant, said that "law and order" did not mean in fact the protection of the people. The police, according to him, were unduly occupied with pro-

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\* N.W.F.P. Legislative Council Debates, especially Nos. 3, 5 and 6, 1932.

tecting golf courses and dance halls which Europeans frequent, while the poor people who are living in the cities enjoy no such protection.\* In the outlying districts, the actual protection of the villager either from internal troubles or from border raids is in his own hands to an extent unknown in the rest of India.

We do not feel called upon to discuss here the policy of the British Administration with regard to the defence of the Frontier, but we were informed that the border raids have increased in recent years, with the introduction of the policy inaugurated by the separation of the British districts from the Punjab. Also, the subsidies paid to the Maliks, and the methods of punitive warfare, have not contributed to peace. The Government method is admittedly punitive so far as the tribal area is concerned. When there is suspicion of troubles in the tribal area, *jirgas* are called, and they are fined or otherwise dealt with. As reprisals against raids, property and land is taken away. Even Pathan friends of the Government, and officials, told us that the border raids, in as far as there were any, were for food, and that the present policy of force and punishment would not solve the problem. A full discussion of this question cannot be attempted here, but it may be pointed out that a large part of the revenues of India are spent on the Frontier on a policy over which Indians have no control and in which they have no faith as far as we could judge. The Frontier army, it has been repeatedly admitted, is a part of the scheme of Imperial defence and maintained at its present strength for that purpose.

### **Official Attitude to Complaints.**

After we had seen something of the villages in the Province and witnessed for ourselves some of the results and incidents of police conduct, we met officials before whom we placed our facts. Such instances as the one of hanging the boys by their feet were not denied, nor yet affirmed, but generally the answer to everything is, "This is the Frontier."

The Mardan incident, which we have described, created quite a stir. The Assistant Commissioner, whom we met

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\* N.W.F.P. Legislative Council Debates. Vol. I. No. 8, 1932.

soon after, was not helpful on the question, and when we returned to Peshawar that evening, it was suggested to us that the police, whom we saw, were probably not police but Red Shirts dressed in police uniform! We had seen the constables sitting on the verandah of the police station about two hours after the incident, and in any case it was very improbable that Red Shirts in disguise would walk about the bazaars of Mardan in broad daylight armed with rifles. We also had the testimony of our own senses and experience as against official theories. We did not take this suggestion seriously and it died a natural death, but the authorities denied for some little time, even the next day, that there were any police at all in the area.

We were sent for, by the Deputy Commissioner, the next morning, and the official whom we met was a very different kind of individual from the gentleman we saw the previous day and was our host. We were told that if we had informed the authorities where we were going they would have seen to it that no incidents happened. We stated what we saw, the Commissioner said he was making an inquiry and that we should be available. We were also told that "it was the Frontier" and that people were "marching" in Mardan, and we were rather in the position of being held responsible for the police having run amok!

We were then sent to the Inspector-General of Police. After some telephoning, he at last discovered that it was his own police who were in that lane at Mardan! We had been asked by the Deputy Commissioner to see the Police Superintendent in charge of the division that afternoon, and that gentleman was most concerned about our not writing to the papers in this country about it. As for the old man whose head had been *lathied*, some "compensation" could be arranged!

Finally, as a result of the Mardan incident, the permission that had been given us to see the Haripur jail was cancelled at the last moment, so that it was apparent that, in the Government view, we and not the police were at fault!

### **The Loyalist View.**

The pro-Government Indian view was put before us by Haji Mahamud Umar, who came to see us and was introduced by a magistrate. He said that the cause of the repression was the policy followed by Abdul Ghaffar Khan and the



Red Shirts, who were aiming at paralysing the Government. The Red Shirts, he said, picketed *Thanas*, *Thasils*, courts and jails, all Government institutions. They were also in direct communication with Congress and wanted to take the government of the Province into their own hands. There were about 5,000 Red Shirts in Charsadda alone, in a population of two or three hundred thousands. The Red Shirts were now unlawful and therefore, in theory, not in existence, but, in reality, they were well organised secretly and were a greater danger than before. He could not say what their present numerical strength was.

The Red Shirts, like the Congress, was a Bolshevik body, who wanted to distribute the land among the people.

Haji Mahamud Umar is a landlord, pays Rs. 8,000 a year in taxes and owns 400 acres of land. He also added that last year (1931) the Red Shirt movement had reached a stage when the Government had to crush them altogether. They were making it impossible for any Government officer to visit Charsadda, and the border tribes were moving into British territory to support them. Captain Barnes had been shot at twice and his bungalow attacked, the Haji alleged, by Red Shirts.\*

### **The Awakening on the Frontier.**

Even those who disagree with the Red Shirts and Congress on their policies of direct action and militant organisation will admit that in the last few years there has been great social awakening in the Province owing to Congress activity.

The Red Shirts picketed the elections to the Frontier Legislative Council, even though their organisation was unlawful. The Inspector General admitted in the Council that police arrangements alone made the elections possible, though the movement had been banned four or five months previously.

Of about 10,000 persons that picketed the booth in Prong, a village near Charsadda, 4,000 were women. When every allowance for exaggeration of the figures has been made, the change in social ideas that this represents is a remarkable one. In the Province both Hindus and Moslems follow *purdah*. Yet Abdul Ghaffar Khan's

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\* This version is very similar to that which we heard from the official side.

sister came out and made speeches which some of the opponents of the Red Shirts told us moved even the policemen on duty. Women joined the volunteer organisation, and the Frontier has in this way set an example to the rest of Moslem India.

Public interest in political affairs has been greater than if there had been severely contested elections and a heavy poll. In the event of the Congress-Red Shirt movement deciding to contest the next elections there is no doubt what the result will be.

It is also noteworthy that neither the deprivation of the leadership of Abdul Ghaffar Khan, nor the continued imprisonments and very harsh treatment of Red Shirt leaders and volunteers in jail, has led to the collapse of the movement or to its degeneration into unorganised unrest or violence. The spirit of the Pathan remains unbroken in spite of repression and the heaping of humiliations on him. To-day it presents in its non-violent expression as much strength as in the best days of its armed chivalry.

#### (VI.) A GENERAL IMPRESSION.\*

The official view was that because of the Gandhi-Irwin Pact they had had to watch the Red Shirt movement grow in strength, but that from the moment the Ordinances gave them the power they had been able to use all the force that the name "Frontier" implies to crush the organisation. Cases of severity that we found it difficult to believe would be tolerated, were excused on the general ground that the police had had to suffer great provocation.

As to provocation, we found that opinions varied greatly. Indians, some holding responsible Government posts and anything but sympathetic to Abdul Ghaffar Khan and his colleagues, asserted that apart from isolated instances, the general observance of non-violent methods by the organisation was such as to cause considerable surprise to those who knew the passionate and proud temper of the *Pathan*.

We saw a good deal, and heard more, of what had been done to suppress the movement. Numbers of houses in the villages had been burnt, many people had been beaten,

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\* Statement on conditions in the North-West Frontier Province issued by the Delegation in Bombay on the 7th November, 1932.

zenana women complained bitterly of insults and beatings in their own courtyards. Property had been smashed, and it was claimed that looting by the police was common at the time. While all this is fairly well known, we were mainly concerned with the present position. Prompt and severe beating as soon as there is any evidence of nationalist activity is so much an ordinary feature of police control in the villages as to cause surprise that we were so horrified at what we ourselves saw.

The official replies to our complaints were that if we had notified the authorities beforehand, which villages we intended to visit, orders would have been given that no beatings were to take place during our presence there.

A method of punishment which seems to be growing in favour in the Frontier districts, and which, though less spectacular than beatings and lathi charges, is oppressive in its operation, is the imposition of heavy fines for any political activities such as picketing or distribution of leaflets. When payment is withheld either from choice or necessity—and in many cases the fine imposed was far beyond the resources of the person fined—goods are attached and auctioned for a fraction of their value.

This method is also used in the collection of land revenue, and is complained of bitterly, as there seems to be no relation to the value of the goods and the price realised at these auctions, but the balance of debt still remains standing to the account of the person concerned.

The severity of the repression has produced something like a state of war on the Frontier. Yet, though the display of force on the British side is overwhelming, no British official claimed that the movement had been crushed. That non-violence against the persons of British officials still remains the rigidly observed rule of the nationalist movement in an area where arms are so readily obtainable, and in fact are openly and usually owned by the villagers, is a tribute to the sincerity with which the creed has been embraced. But there have been reprisals on property, such as the overturning of telegraph poles following on the beating of certain villagers who had walked considerable distances to lay their grievances before us. These reprisals were promptly followed by further beatings.

The general British attitude is that the dangers on the Frontier are so great that any severity is justifiable, as

otherwise the country would be raided by the independent tribesmen. Through the courtesy of the North-West Frontier Province Government, we were able to visit the tribal territory and meet some of the chiefs, who are in enjoyment of British subsidies. The tribal territory, however "independent" in theory, is held by an overwhelming force. British roads and railway run through it, heavily guarded. Forts along the frontier on the other side of the territory form a connecting chain, and recently a further stretch of tribal territory\* has been occupied as a reprisal for the movement against Peshawar.

Opinions as to what extent this force was necessary to protect the cities of the plains varied. The opinion not only of nationalist leaders but of Indian men holding moderate views and co-operating in the new Legislative Assembly, was that most of the feeling of the tribesmen was against the British and not against the fellow-Pathans, and that the dacoities and inter-village strife could be kept in check as well by a disciplined Indian force as by the present exceedingly costly methods.

The argument that nearly all the invaders of India had come through these Frontier passes was met by the obvious argument that in modern warfare the advantage against the hillmen, however warlike and hardy, is held by the superior weapons of war at the command of the plains men. Such leaders of the Red Shirts who are out of jail, and they are not many, refused to consider the tribal problem in terms of war and repression. They asserted that the tribesmen raided because they were hungry and their lands are dry and poor.† These local leaders considered that economic reorganisation and education would bring a peace to the Frontier which even the biggest display of force had been unable to secure.

As the difference between irrigated and non-irrigated areas is nowhere more startling than in these tree-denuded hills, we could not help feeling that the large sums of money spent on repressive force might by now have changed this area into a garden, and brought back that prosperity of past ages which still remains a treasured race-memory among the poverty-stricken villages.

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\* The Kajuri plain, the fertile land on which the tribes relied for food.

† This view was confirmed by a high Pathan official, who is very much in the confidence of the British Administration.

We could not find much material basis for the constantly reiterated statement by British officials that to hand over the control of the North-West Frontier to Indians would be followed by the oppression (or actual massacre) of the Hindu minority by the Muslim majority. Even where communal differences are lively enough, as in Peshawar City, both sides assured us, independently, that the "divide and rule" policy of the British kept alive feelings that the leaders on both sides would gladly see buried. But in the villages, especially those where the Red Shirt movement was strongest, the Hindu minority assured us emphatically that they had nothing to fear from their Muslim fellow-citizens.

In little market towns such as Shankar Ghat, where as traders and moneylenders the small Hindu community might be considered to be in the dangerous position of possessing some wealth amid poverty, these traders expressed themselves as feeling perfectly safe. Certainly no British troops could have protected them in these remote areas against violence; at best reprisals only could have been taken. Yet these traders had in some cases records of continual possession of lands and business in these areas for long before the British came to these parts.

Our general impression after our visit was that the repression has been, and is, so severe that bitter and passionate resentment is felt throughout the villages of this area. There is hardly a house or a family without experience of police tyranny far in excess of anything for which even the Ordinances provide. The Pathan is proud and has a long memory. Whether it be the wife in the zenana mourning over her ruined household, or the husband returning from a beating at the hands of the police, feelings are there as a result of nine months of Ordinance rule, the depth of which the British official well knows.

Those feelings will not be assuaged by the gift of a toy Legislative Council contemptuously boycotted by the mass of the people, a Council whose members have to regard their own helplessness as a matter for jest.

## CHAPTER XXI.

### LABOUR IN INDIA.

" . . . The average number of persons per room is 4.01, which, judged even by Indian standards of city life, must be called bad. . . . Thirty-three per cent. of the population live in rooms occupied by more than five persons at a time and one per cent. in rooms occupied by over twenty persons at a time. The number of persons living in rooms containing from six to nine persons each is 256,379, and the number of persons living in rooms occupied by ten to nineteen persons is 80,133."

(Report of the Royal Commission on Labour in India.)

" A statement in the 1931 census report of the cities of the Bombay Presidency (Vol. IX., by H. T. Sorely, I.C.S.) emphasises that some of the conditions of housing in Bombay City must be more reminiscent of the Black Hole of historical memory than of any modern city pretending to sanitary living conditions."

(*The Times*, September 8th, 1933.)

#### (I.) THE LABOUR FORCE.

**A** COMPREHENSIVE or adequate account of the Labour problem in India, or the conditions of the Indian working class, is beyond the scope and compass of this report. We were not sent out to India to investigate the specific problem of Indian labour or the conditions of the working classes. It, however, came within the scope of our general inquiry. A detailed investigation of these problems would have taken several months, and a full volume report, at least, to deal with it.\*

We propose here to touch on certain aspects of the labour problem which are specially relevant to the rest of our inquiry, and on some facts of working class life and conditions which came within our personal knowledge in India. We also propose to give a brief summary of the Labour movements in India, their scope, limitations and tendencies.

Of India's vast population, 72.98 per cent. are agricultural and depend on the soil for livelihood. A large number of

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\* The Report of the Royal Commission on Labour contains ample material on conditions of work in factories and life in industrial areas.

these, although workers, are peasants, either owning small plots or holding leases of lands,\* while perhaps about a third are labourers. The labouring classes of India, industrial or agricultural, mainly belong to this section. The industrial centres of India draw their labour force from the villages. The towns attract the agriculturist, who is unemployed for the most part of the year; the lure of a money wage, the amenities and, what is more, the hopes that the town holds out, draw him to the factory. Often, the best type of industrial worker drifts or is drawn into the town because his family cannot pay the rents and taxes of the family land by the returns from it, and therefore money has to be found from some other source. The industrial labourer, however, remains a villager at heart,† with the result that he returns to his village periodically, and each vacation terminates his "membership" of the urban industrial labour force. He returns as a recruit and faces the factory recruiting machine, with every handicap, as before.‡

Accurate current figures of the number employed in agriculture or industry as workers are not available, but the figures given below are good indications :

India Office: Official Figures, 1922.	{	Agricultural workers, excluding		
		peasant proprietors ... ..	28 millions	
		Industrial workers, including cot-		
		tage industries, mines and trans-		
		port ... ..	20 millions	
		Lascars (maritime workers) ...	141 thousand	

The above figures appear in a memorandum submitted by the India Office to the League of Nations when the claim of India to be ranked as one of the first eight industrial States was made in 1922.

Indian Census, 1921.§	{	Transport ... ..	1.5 millions
		Public Administration ... ..	1.0 millions
		Other industrial undertakings ...	11.8 millions
		Trading concerns ... ..	4 millions

\* See Chapter XVII., "The Indian Villages," for systems of land tenure.

† This is an important characteristic of India's industrial proletariat.

‡ Working his way by bribing jobbers at mills.

§ The 1931 Census must have materially altered these figures.

	Year.	No. of Fac- tories.	Men.	Women.	Chil- dren.	Total.
Factor- ies Report, 1929.*	1922	5,144	1,086,457	206,887	67,658	1,361,002
	1923	5,985	1,113,508	221,045	74,620	1,409,173
	1924	6,406	1,147,729	235,332	72,531	1,455,592
	1925	6,926	1,178,719	247,514	68,725	1,494,958
	1926	7,257	1,208,628	249,669	60,094	1,518,391
	1927	7,515	1,222,662	253,158	57,562	1,533,382
	1928	7,863	1,216,417	252,933	50,911	1,520,261
	1929	8,129	1,249,165	257,161	46,843	1,533,169

Trade Union organisation is still in its infancy in India, and the vast majority of even the urban industrial workers do not belong to any union at all. The Labour and Trades Union Movement as it exists to-day is very small in size, but it is faced with the conflicts and disruptive tendencies that face older movements in western countries, in addition to difficulties peculiarly Indian. We interviewed, in different towns, leaders and rank and file members of Unions of different persuasions. We had also the opportunity of meeting some of the Executives and also attending general meetings of workers.†

The initiative in the organisation of trade unions in India has come from educated and politically minded persons or groups, and while the charge that these gentlemen or their organisations desire or attempt to exploit the labouring classes is not generally true, the cleavages in the movement bear a striking resemblance to the differences in the ideas and temperaments of the political schools which provided them with their founders.

The earliest trade unions in India grew out of social and religious associations of the working people and out of *ad hoc* Strike Committees (in Madras and Bombay).

In the first five years, trade unionism, though still a very small movement, gained an All-Indian and international character. The causes of this access of strength were:

(1) The necessity of industrial expansion in India during the war, to provide clothing and ammunition for troops.

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\* This table is based on figures quoted in the *Indian Year Book*.

† A weekly trade union meeting in India is a big mass meeting very much like an election meeting in this country. All these meetings are reported by the C.I.D., who attend them.



(2) The post-war industrial expansion. India shared fully in the boom and her labour force expanded.

(3) The large number of strikes during the period, due on the one hand to increased demand for labour and on the other to refusal of the employers to pay higher wages as required by the higher cost of living.

(4) Recognition from the world labour movement, such as the International Labour Conference at Geneva and the British T.U.C.\*

The All-India Trade Union Congress was founded in 1920 for co-ordinating the activities of labour unions and to recommend† Workers' delegates to the I.L.O. Conferences. The first conference was attended by nearly a thousand delegates, and over a hundred unions participated directly or indirectly in its proceedings. The Congress became a permanent organisation; it established its executive and secretariat which functioned throughout the year. Its objects were :

(1) To co-ordinate Indian labour organisations.

(2) To advance labour interests in the social, economic and political sphere.

(3) To co-operate internationally with similar movements in other countries.

In 1929 the differences in the Trade Union movement came to a head and at the annual session at Nagpur the All-India Trade Union Congress split. The seceding trade unions formed themselves into the Indian Trade Union Federation. At the next session of the All-India T.U. Congress at Calcutta, there was a further split.

When we were in India unity efforts were in progress.‡

## (II.) LABOUR ORGANISATIONS.

The various sections of the Labour and Trade Union movement, as far as we could gather, may be grouped thus:

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\* Mr. B. P. Wadia attended the British T.U.C. annual session as fraternal delegate as early as 1917 and was presented with the fraternal delegate's medal.

† The delegates are nominated by the Government.

‡ We understand that these efforts, though not completely successful, have now united two important sections in the National Trade Union Federation.

- (1) Union led by Mr. Joshi\* and his friends, mainly Liberals in politics.
- (2) The Railwaymen's Federation.†
- (3) The All-India Trade Union Congress.
- (4) The Communist Unions.
- (5) Others: Shop Unions, "Mushroom" Unions, Communal Unions, etc.

### **The Indian Trade Union Federation.**

The central figure in this movement is Mr. N. M. Joshi, a member of the Servants of India Society and a leading Indian Liberal. He was the first Government nominee to the International Labour Office Conference in 1919, before the Trade Union Congress was founded. One of the early pioneers, Mr. Joshi, though nominated by the Government as a member of the Indian Legislative Assembly, consistently votes against the Treasury benches at Delhi and Simla in the interests of Labour. Another leading personality in this section is Mr. Shiva Rao, formerly associated with Mrs. Besant and now an independent politician who is neither in the Congress nor in the Liberal Federation. The Secretary of the Federation is another member of the Servants of India Society, Mr. Bhakale, also a Government nominee in a Legislature. The offices of the movement are at the Bombay headquarters of the Servants of India Society.

The representatives of India at the I.L.O. at Geneva have mostly come from the ranks of the leaders of the Federation. This fact, coupled with the pronounced Liberal political views of some of the Federation's leaders, has given it the character of the right wing of the Indian Labour movement. The Federation claimed in 1932 a membership of 66,400.

### **The Railwaymen's Federation.**

The vast majority of organised railwaymen‡ are in the All-India Railwaymen's Federation, whose leading personality is Jamnadas Metha, a lawyer, whose politics are more of the Congress kind. We met Mr. Metha and his colleagues in Bombay. Mr. Metha impressed us by his great sincerity

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\* Mr. N. M. Joshi, delegate to the Round Table Conferences, etc.

† Have now joined up with the Federation. This is different from the National Union of Railwaymen of India.

‡ The majority of Railway workers, like every other section of labour, are still unorganised.

and his desire to bring about trade union unity. He also appeared fully responsive to the main currents of national life outside the narrower limits of the trade union movement. With him were leaders of other transport workers, like dockers. The All-India Railwaymen's Federation has under it practically all the Railway Unions, but these constituent unions themselves were divided in their allegiance between the Indian Trades Union Federation and the All-India Trade Union Congress. The Railwaymen's Federation itself had during the three years of the split maintained an attitude of independence, the main purpose of which, we understood, was to use its vantage position to effect unity. The Railwaymen are a very well organised union, and in the immediate future of the trade union movement their attitude is bound to be decisive.\* It claims a strength of 160,000.

### **The All-India Trade Union Congress.**

Formerly the central organisation of the Indian Labour Movement, it is now in a state of disorganisation. It is weakened by splits, with its leaders either in jail or occupied with national politics, and by the absence of settled policies. The Communist Unions brought about the first split at Nagpur in 1929, and in 1930 the Communists themselves left the Congress† because the rest of the Unions, while political and left wing, were not willing to submit to Communist methods or doctrines. We also understood that there are two bodies in India calling themselves the All-India Trade Union Congress, one led by Mr. R. S. Ruikar‡ and the other by Mr. D. B. Kulkarni, each claiming to be the genuine body. Our information is that the first-named body is the All-India Trade Union Congress. This organisation claimed a membership of over 100,000.

### **The Communists.**

The strength of the Communist Unions and of other organisations with Communist leadership or leanings, is to-day very meagre. We met occasionally young men who

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\* See Section III.

† The term Congress in this chapter, when used, refers to the All-India Trade Union Congress. "Congress," in India means, of course, the Indian National Congress.

‡ Mr. Ruikar is in jail, sentenced for "sedition."

spoke to us in a language not far different from that of their colleagues in London and who appeared to be in hostility to the Indian National Congress and to the labour organisations and leaders. The membership of these unions is very small,\* and their propaganda is of the kind which makes unity of action between them and other sections impossible.

We also met the representatives of a section in Bombay who were not Communists, but claimed to be for complete national independence, and the Workers' cause. They are opposed to Gandhi and told us that they are "definitely nationalist and socialistic." They are represented by a paper called the *Advocate*, whose associate Editor, Mr. B. Yagnik, we interviewed in Bombay. He did not deny Mr. Gandhi's influence, which he said was as great as ever, but argued that other forces must be built up to mobilise the "spiritual revolt of the masses for the attainment of 'Independence,' without any of the 'qualifications and shiftings' which Mr. Gandhi brings in." Mr. Yagnik did not tell us of any trade unions which his group has organised, but his paper appears to stand out for a militant type of trade union and nationalistic activity.

### **Communal Unions.**

During the last few years unions with a communal basis have sprung up in some areas, and these are viewed with disfavour and suspicion by the general labour movement. It often has its origin in political machinations and alleged official influences. The principal ones of these are among organisations of Government Employees in the Post Office. The Railwaymen also mentioned the attack alleged to have been made on their Union as a "Hindu" body, by Sir Henry Gidney, the President of the Anglo-Indian Association.†

### **Shop Unions.**

Employers in their efforts to smash up the Labour Movement have started Shop Unions in some cases. These are few and have no influence with the workers, but have been used to break up genuine Workers' organisations. As trade unions they do not function; a member of one such union

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\* There are no recently published figures.

† Sir Henry Gidney is a medical doctor, the acknowledged leader of the Anglo-Indian (mixed descent) community. He was a delegate to the Round Table Conferences.

stated before the Lothian Franchise Committee that in his Union "not even a crow sits in normal times."

Spurious unions also exist on paper, or come into existence overnight, to make "recommendations" to Government, for Geneva, or some Legislature, or in response to some ambitious place seeker's desire to have "Labour" support. Though these are fertile causes of Labour disunity and disruption, their title to be called labour or trade union movements is questionable.

### Mr. Gandhi's Union.

The Ahmedabad Labour Association, and the Labour Unions affiliated thereto, which owe their inspiration to Mr. Gandhi, have been in existence for the last ten years and are the best organised and the most successful Unions in India. They have shown no tendency to affiliate to any of the All-India organisations, and even in the days before the split, when the All-India T.U.C. was presided over by Mr. Gandhi's esteemed co-workers, like the late Mr. C. R. Das, Mr. C. F. Andrews and Pundit Jawaharlal Nehru, there has been no desire on the part of the Ahmedabad Unions to affiliate to it.

The Ahmedabad Labour Association has a membership of about 25,000, and is made up of eight constituent Functional Unions. It has a well-equipped staff and organisation and, in the utilitarian functions it performs, it compares favourably with a well-organised trade union in this country. It collects regular subscriptions and disburses aids and benefits. The figures of complaints, benefits, etc., which we obtained from the Union's headquarters are illuminating:

Subscription Income: Between Rs. 11,000 and Rs. 12,000 per month (approximately £10,000 per year).

### Benefits.

	Category.	1931.		1932.*	
		Amount of Benefits in Rs.	No. of Cases.	Amount of Benefits in Rs.	No. of Cases.
Industrial.	Victimisation ...	2,857.14.3	38	2,036.3.0	49
	Strike Aid ...	116.10.6	—	10,524.5.1	—
	Legal Aid ...	200. 0.0	—	150.0.0	—
	Compensation for Accidents ...	26,291. 2.6	214	14,858.15.6	146
	Unemployment Benefit	The Joint Board of the Constituent Unions has now organised a Labour Exchange and instituted unemployment benefits to be administered through it.			

\* See reference on next page.

	Category.	1931.	No. of Cases.	1932.*	No. of Cases.
		Amount of Benefits. in Rs.		Amount of Benefits in Rs.	
Social.	Medical Aid ...	12,613.15.0	—	11,582. 9.2	—
	Education ...	39,818. 5.9	†	40,372.15.9	†
	Cheap Credit & Savings	8,340. 4.11	—	16,129. 1.6	—
	‡Incidental facilities (Complaints received and dealt with) ...	—	538	—	247

The cases taken up by the Union include those concerning housing, wages, holidays, penalties, conditions of work and treatment, and those relating to hostility to union activities. In 1931, 3,457 cases were dealt with by the Association, with results as under :

Successful ...	2,556
Compromised ...	67
Unreasonable, trivial and false ...	174
Unsuccessful ...	43
Repeated ...	25
Closed for other reasons ...	142
Pending ...	350
	<hr/> 3,357

### (III.) THE UNITY MOVEMENT.

Mr. Jamnadas Metha, the Railwaymen's leader, has been untiring in his efforts to bring about trade union unity, and the independence of his Union has been used by him, as mentioned before, to promote it. In association with others, and after considerable discussion and amendment, we were told that in July, a few weeks before we arrived, a Unity Conference had been held at Madras and the following platform :

#### "PLATFORM OF UNITY."

I. A trade union is an organ of class struggle ; its basic task, therefore, is to organise the workers for advancing and defending their rights and interests ; and although collective bargaining is the necessary implication of a trade union and in the transitional period to Socialism, negotiations, representations and other methods of collective bargaining must remain an integral part of trade union activities, labour and capital cannot be reconciled in the capitalistic system.

\* The figures for 1932 are only for part of the year. We were in Ahmedabad about the end of October.

† 26 Institutions and 1,547 recipients of education aid.

‡ The Labour Association made representations to the Municipality about housing in 1929. In 1930 a sum of Rs. 450,000 was sanctioned for building 500 tenement houses as an experimental measure.

2. That co-operation with the employing classes is not excluded if it is necessary in the interests of the working classes.

3. The Indian Trade Union Movement shall support and actively participate in the struggle for India's political freedom from the point of view of the working classes. This would mean the establishment of a socialist state and, during the interval, socialisation and nationalisation of all means of production and distribution, as far as possible.

4. The Indian Trade Union Congress stands for :

- (1) Freedom of Press.
- (2) Freedom of Speech.
- (3) Freedom of Assembly ; and
- (4) Freedom of Organisation.

5. The immediate demands of all the Trade Unions shall be :

- (1) A statutory enactment providing six-hours' working day.
- (2) Minimum wages guaranteeing all workers an irreducible standard to be fixed after investigation.
- (3) Weekly payment of wages wherever the workers demand it.
- (4) Equal wages for equal labour without racial or sex discrimination.
- (5) One month's leave in a year with full pay.
- (6) Unemployment, sickness, old age and maternity insurance at the expense of the employers.
- (7) Better housing and working conditions for all workers.
- (8) Formation of elective workers' committees in factories, workshops, business houses and all other places where collective work is performed with a view to control of the conditions of work inside those places.
- (9) Abolition of the employment of children under 14 years of age.
- (10) Payment of wages to women for six weeks preceding and six weeks after childbirth.
- (11) Abolition of the fines imposed by employers, be they private individuals or Government.
- (12) Abolition of all other systems of recruiting labour except through Trade Unions.
- (13) Abolition of the employers' control over the Provident Fund of the employees.

6. In order to realise the ideal and the immediate demands as stated above, it is essential to have a central organisation through which energetic, ceaseless and well co-ordinated propaganda could be carried on by means of mass meetings, negotiations, demonstrations and, in the last resort, strike. But in order that this programme can become effective the internal organisation of the Trade Unions should be made as perfect as possible.

7. The Trade Union Congress should consider whether an experiment should not be made for three years or more by affiliating the Congress to the International Federations of Trade Unions at Amsterdam ; the final decision to be reached in the light of the result achieved.

8. No representative of the Trade Union should accept nominated seats in the Central or Provincial Legislatures, but the Central Organisation will be entitled to repudiate any nomination to

official committee or commission except when such nomination is in pursuance of a prior election by the Trade Union Congress or a subsequent ratification by its executive.

9. The Trade Union Congress should send delegates to the International Labour Conference held under the auspices of the League of Nations, such delegates to be elected by the All-India Trade Union Congress.

10. The methods of attaining the objective of the Trade Union movement shall be peaceful, legitimate and democratic.

11. The organisation to be established as a result of the unity among the various labour groups shall be called the Trade Union Congress.

Mr. Jamnadas Metha and his Union, who all along had been working to bring all the Unions under the old label of the All-India Trade Union Congress, pledged himself and his Union to join the Federation if the Congress decided not to adopt the platform.\*

#### (IV.) LABOUR UNIONS AND POLITICS.

It is constantly alleged by the official side and the Anglo-Indian press that the Labour Unions are tools in the hands of politicians, and that the "outsider," the "lawyer-politicians" who "run" these unions are ambitious political self-seekers or propagandists. We have pointed out in a previous section that the cleavages in the Labour movement to a certain extent reflect the political differences in the country. Official policy has always treated labour movements, of all kinds with suspicion, and, in many cases, with hostility. The Criminal Law has been put into operation against Labour workers engaged in legitimate trade union activities.

#### **The Politics of Labour.**

The "platform of unity," to which we have referred before, states its political objective thus:

"The Indian Trade Union Movement shall support and actively participate in the struggle for India's political freedom from the point of view of the working classes. This would mean the establishment of a socialist state and, during the interval, socialisation and nationalisation of production and distribution of goods as far as possible."

It further adds that it stands for:

"The freedom of the press;  
Freedom of speech;  
Freedom of assembly; and  
Freedom of organisation."

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\* This has happened since.



The unions which are affiliated to the Federation\* are often regarded as right wing, while the Railwaymen's Union, which, till recently, was independent of both all-India bodies, is more of the Congress colour in national politics. The All-India Trade Union Congress has been torn between Communist ideas and advanced Socialism plus national independence, while some unattached unions are sectional or Loyalist. The important point, however, is that all of these have their political colour; indeed, in modern India no live movement can escape it.

The subtle distinctions, to which we have referred above, appertain perhaps more to leaders than to the movement as a whole. And while recent unity efforts have brought the greater part of the organised industrial workers into the Federation,† the differences still remain. Mr. Joshi, the doyen of Indian trade unionism, himself a moderate Liberal in national politics and an evolutionary social democrat, as far as Labour is concerned, is of opinion that

" . . . the wisest policy for the Trade Union Movement in India at present is to recognise these differences as inevitable and allow each group to organise itself on its own lines and then evolve a policy of restricted co-operation. . . ."

The Ahmedabad Labour Association, which, as we stated before, remains unaffiliated to any of the all-India labour movements, has pronounced views on national politics. It looks on itself as part of the great Indian National Movement, though it has no affiliation or connections with the Indian National Congress as an organisation. It makes no secret of its politics. In its report for 1930 it refers to "the political struggle which eclipsed everything else," and states that "the year closed in an atmosphere of political tension." It subscribes to, and promotes, the Congress programme of boycott and anti-drink as "calculated to promote the well-being of the Working class." Its members took part in the Civil Disobedience movement, and numbers were arrested and jailed. Members of other unions, notably the Railwaymen's, have similarly taken part, but the Union's policy has made it clear that the actions are individual ones, while in the case of the Ahmedabad

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\* "Federation" refers to the Indian Trade Union Federation.

† Federation here refers to the new enlarged Federation after partial unity was achieved.

Union these facts are incorporated in its Report. The Ahmedabad Union has also formed the nucleus of a political Labour Party in the Ahmedabad Municipal Council ; its volunteers and disciples all have the Gandhi-Congress flavour, which it does not seek to conceal.

### **Socialist Objective.**

What is, however, important is that in common with the Liberal and left wing Nationalist Unions, Mr. Gandhi's Union is also Socialist in its aims. In February, 1930, it amended its constitution at a special meeting of the Joint Board of the Constituent Unions to include "the definition of the ultimate aim of the Association as nationalisation of the industry." In a sense this is a more specific policy in that it relates to the nationalisation of the textile industry, with which the Unions are connected, than a programme of "socialisation and nationalisation of all means of production and distribution as far as possible," adopted by the others.

### **Rank and File Opinion.**

We took care to ascertain the views of the rank and file on nationalism, *Swaraj*, Gandhi, Congress, Boycott, and other matters, all of which are in a curious way looked on as part of one and the same desirable ideal. We discussed these with executives and men in unions, and we found that, as in the case of the villagers, subtle distinctions are for the leaders. The rank and file is mostly a Congressite at heart : he worships Gandhi, has heard of Nehru ; Congress is the voice of the people ; *Swaraj* is for the masses, and so on. These views were expressed by members of the executive of the Madras Labour Union, which is a Federation Union, as well as by the Railwaymen at Lahore and Bombay. Mr. Joshi puts this position succinctly when, in another connection, he said :

"To ignore the influence of the Indian National Congress upon the Labour movement in the country is not practical politics."

Congressmen themselves, especially among the younger generation, are very pro-Labour in their views and are

becoming increasingly so. The adoption of the Karachi resolution\* reflects the growing predominance of this view.

#### (V.) THE GOVERNMENT AND LABOUR.

The Government's attitude in many respects is unsympathetic. It is very tardy in granting recognition to Unions of its own employees. Where it is not indifferent it, more often than not, takes sides with the employer.†

The Whitley Commission has referred to the slowness with which Government puts through its measures in the interests of labour. Some measures are at present being promoted in the Assembly and the local Councils, and the credit for this must go to Mr. Joshi and his associates in the provincial Legislatures. Labour "representation" is secured by nomination by Government, which, apart from its political character, is itself the largest single employer of labour in India! At Geneva, Mr. Shiva Rao had to fight a hard battle against the efforts of the Indian Government's representatives, in regard to the convention on forced labour and the employment of convict labour to break strikes. His citation of a definite instance where prisoners were used as blacklegs helped to defeat the Indian Government's amendment in open conference at the I.L.O. in 1930. In 1931, Mr. Bhakale complained about the failure of the Government of India to improve Labour conditions and its policy of bringing up resolutions on Geneva decisions at the end of the session.‡ Important conventions, like those dealing with unemployment insurance, or minimum wage fixing machinery, are still unratified.

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\* (See chapter on Congress.) This view is endorsed by Mr. Bhakale, a moderate Liberal, a member of the Servants of India Society, a nominated member of the Bombay Legislature and Secretary to the Indian Trades Union Federation, who, in his annual report for 1931-1932, says: "The Indian National Congress had realised the importance of improving the conditions of the workers and passed an important resolution on the workers' fundamental rights during its last session," and "he hoped this resolution would be adhered to even after the present crisis is over."

† Cf. Mr. Giri's presidential address to the Annual Session of the Indian Trade Union Federation held at Madras in 1932.

‡ Of The Legislative Assembly.

## **Labour and the Police.**

Official policy shows itself at its worst in day to day matters in the part played by the police in relation to labour. A Madras leader speaks of the attitude of the police as "indirectly amounting to support of the employers."\*

Working people are denied the right of peaceful picketing. Mr. Giri, a responsible trade union leader, refers to police conduct thus :

"The moment a trade dispute is apprehended the police and the magistracy rush to the rescue of the employer, while the workers are left to their own wits in their fight against oppression. The Intelligence department of the police has a special fancy for Labour leaders and also, as stated by the Whitley Commission, the whole information concerning a dispute is obtained more through the police than direct contact with the workers' organisations."

## **Arrests, Trials, Etc.**

The Meerut trial, the facts of which are so well known all over the world, is an instance of the official use of the machinery of law, which attained international notoriety and invited the condemnation of even anti-Labour opinion in this country.

While we were in India Miss Mani Ben Kara, a trade union leader, was being prosecuted by the Bombay Government under the Indian Penal Code for creating "disaffection between different classes of His Majesty's subjects." Her crime was that she made a May Day speech of the kind which is made on thousands of platforms in this and other countries each week. Mr. Ruikar, the President of the All-India Trade Union Congress, has been sentenced to imprisonment for sedition. Leaders of strikes and Labour organisers are served with prohibitory orders† or arrested while being engaged in legitimate trade union activities.

## **Labour and the Ordinances.**

Labour, like every other progressive and militant movement in India, suffers under the Ordinances. The primary target of the Government is Congress. Many Congressmen,

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\* Address of the Chairman of the Reception Committee, Indian Trade Union Federation Annual Session, 1932.

† Prohibiting meetings, restricting movement and ingress and egress into and from places.

particularly in Bombay, told us that they were keeping out of the Labour movement because they did not want Ordinances to be brought in on the labour unions wholesale. But the severities of the Ordinances are described by the President of the Trade Union Federation, thus :

" . . . Every method of constitutional action is discouraged. Ordinary law is substituted by Ordinances. . . . Harold Laski has put it rightly that with leaders of masses inside prisons no stable government is possible. *I mean by leaders of masses, not only the Congress leaders, but also those who had identified themselves with working class movements and are now in prison for that.* Sir Samuel Hoare is the political descendant of the Bourbons of old, who neither learned nor forgot anything. Recognition of the fundamental rights of the workers, preceded by release of the leaders and the withdrawal of oppressive measures such as Ordinances, alone can bring peace to the country." (Italics ours.)

Referring to the situation in India, Diwan Chaman Lall, the Workers' delegate to the I.L.O. Conference in 1932, said :

" There was an abdication of all constitutional guarantees of freedom for the average man in India; India to-day is being ruled not under the law but with the sword; India to-day, from one end of the country to the other, has been placed under martial law."

The greatest sufferers in this, adds the Secretary of the Federation, Mr. Bhakale, himself a trade union secretary in Bombay,

" are the workers and peasants, who are being goaded on by their own misery to revolution."

Moderate Labour opinion on Government repression, as far as it affects Labour, is reflected in the resolution of the All-India Federation, which runs :

" This Federation condemns the indiscriminate support which the Government accords to capitalists in resisting the legitimate demands of the workers by the use of various sections of the Indian Penal Code, the Criminal Procedure Code and other repressive measures."

## (VI.) LABOUR CONDITIONS.

### Wages.

The textile workers whom we met in Madras were employees of British as well as of Indian firms. The former

paid better wages, i.e., about Rs. 22\* per month (about 8s. per week) to a "rover," as against Rs. 15 or Rs. 18 paid by the Indian employer. In Madura and Tinnevely, the textile mills are British concerns; wages are much lower than in Madras and women workers are paid as little as threepence per day. In the rice mills in the Guntur District women received  $3\frac{1}{2}$  annas† and men 4 annas, for a  $9\frac{1}{2}$  and 10-hour day respectively; men working on the machinery are paid Rs. 25 a month. (Rice is sold at approximately two-thirds of an anna per pound.)

In Orissa, another plague spot of labour, the ordinary labourer receives four annas a day, while the Government extracts forced labour at about half that wage rate. In one of the jute mills near Calcutta, women were paid Rs. 2.4.0 per month, and men Rs. 3.4.0 per month. In one of the collieries owned by Messrs. Bird & Co., a husband and wife together earned about Re. 1.2.0 per day; the wages are 9 annas per ton of coal raised. In Cawnpore, skilled mill workers are paid about Rs. 30 a month; others from Rs. 9 to Rs. 13 a month.

In Bombay Presidency, prevailing wage rates are comparatively higher. The main textile centres are Bombay, Ahmedabad, and Sholapur, and the wage rates are:‡

Centre.	Men.			Average Daily Earnings.								
				Women.			Children.			All Adults.		
	Rs.	As.	Ps.	Rs.	As.	Ps.	Rs.	As.	Ps.	Rs.	As.	Ps.
Bombay ...	1	8	0	0	11	11	—			1	5	3
§ Ahmedabad	1	6	8	0	12	6	0	5	6	1	4	8
Sholapur ...	1	0	5	0	6	8	0	4	0	0	19	8

\* Rs. is abbreviation for Rupees; Re. for Rupee. Sixteen annas make a Rupee and twelve pies make an anna. The exchange rate of the Rupee has been fixed at one shilling and sixpence, but it fluctuates a little. The Government tried to keep it at this figure by its own transactions. Indian opinion is hostile to the exchange policy of the Government of India, which is regarded as calculated to benefit the importer of finished goods as against the exporter of raw materials.

† An anna is a little over a penny.

‡ These figures are taken from the Indian Year Book and are based on the results of an inquiry in 1926. The mathematical average of wage rates conveys a false impression. The average rates of the bulk of the workers would be lower.

§ There have been wage cuts all round and everywhere in India. In Ahmedabad the cuts were considered by an Arbitration Board in 1928 and a partial restoration obtained in 1929 (as from 1st January, 1929). The award increased the average earnings by Rs. 2.4.0 per month, above the figure to which it had been reduced in 1928.

## Hours.

The Indian Government has ratified the International Convention with regard to hours in factories, and the legal maximum is now 60 per week. Many factories work for a shorter period than is legally allowed. Children are allowed to be worked six hours.

" . . . For the whole of British India (in 1929) men were required to work for more than 54 hours a week in 4,791 factories, above 48 and not above 54 in 1,008 factories and not above 48 hours per week in 2,164 factories. In the case of those factories employing women, 3,067 required female workers to work for more than 54 hours per week, whereas 1,723 fixed their hours at below 48 hours per week. 658 factories had hours above 48 but not above 54, but of the 1,314 factories employing children, 452 had hours below 30, and 862 above 30 but not above 36, the maximum permitted by the Act."\*

## Employers and Officials.

The labour movement incurs the hostility of the employers to a greater extent in some areas than in others. In Madras, the employers have attempted strike breaking, shop unions, and victimisation, but the "oldest trade union" still holds out. In the southern districts, one group of British employers are resisting trade union organisation, while Messrs. E. D. Sassoon & Co., the other group, have recognised the trade unions. We were informed in Madura that out of about 12,000 workers only 1,500 are in the Union. The strength in 1931 was 5,270, but it had dropped owing to employers' opposition and victimisation. In Bengal, the jute owners (mainly Scottish) have closed down mills and thrown workers out without bonus or compensation of any kind.

On the railways the daily rated staff are put on short time, causing a loss of about 17 per cent. of the earnings; a large number of workers have also been dismissed under retrenchment schemes. The I.L.O. hours convention, though ratified by the Indian Government, is not applied to workers† on the railways.

A number of the I.L.O. conventions have been ratified by the Indian Government. Maternity benefits for two

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\* Cf. the Indian Year Book. The statistics are as in 1929, but no great changes have taken place since.

† The Railway workshops, however, come under the Indian Factory Act.

weeks before and four weeks after childbirth, as under the I.L.O. conventions, has been ratified. The Whitley Commission made several hundred recommendations, and the Government is moving slowly.

There is a Labour Commissioner in some Provinces, like Madras, but official contact with labour opinion is very limited. Government intervenes sometimes, if the employer is Indian, but not if he is European.\* In Cawnpore we heard of Government hostility to trade union organisation.†

In Calcutta we interviewed the British Manager of Jardine, Skinner & Co., Mr. McLaren. In his opinion, poverty of the people was due to their ignorance, and he said that his firm encouraged education. But he, however, thought that when people became educated, they become agitators.

### **Housing Conditions.**

Our first impression was that of the slums of Poona, a town which is a summer resort of H.E. the Governor of Bombay. In the slum area, on less than one acre of ground, at least 500 humans and a number of cows, calves, goats, etc., were accommodated. The mud huts were roofed with old kerosine oil tin sheets, thatch, and all sorts of scrap material, and the walls were about 4 feet high. There were no windows and no sanitary arrangements. Our friend who accompanied us told us that practically every infant under three years was drugged with opium. Not far from there, we saw the housing estates of the Poona Municipality, where there were good houses with sanitary provision and open space. Cottage industries, fruit farming, etc., were part of the scheme. The tenants could acquire their houses in ten years.

The working class tenements in the mill area, Perambur, Madras, were small mud-built houses, with hardly any ventilation, overcrowded and dark, but kept scrupulously clean inside. Outside, however, were cesspools of stagnant water. There was no proper drainage. In Calcutta, as in every other town, there are open drains which emit stench, once you move into the quarters where the poor live. Peshawar is another instance of contrasts ; there is the

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\* We were told this by a Labour leader who did not approve of the Indian employers he had to deal with, as well as by several other Labour leaders.

† We have dealt with Police Action, etc., in the previous section.



cantonment, which has everything that modern sanitation and planning can provide, while outside the gates is the Indian city, which is all darkness, dust and dirt, with the roofs of the houses on opposite sides of the "street" almost touching each other in some places.

In Bezwada, Guntur, Cuttack and almost every other place where we went we saw the "houses" in the slums, into which humans could hardly crawl, but for which the inmates paid ground rents. Delhi, the Imperial capital, beat every record. We passed through alleys where we could not breathe on account of the stench; we called on a few railway workers who lived in what were literally boxes without windows or any other opening whatever for ventilation, the "front door" being rows of planks.\* The man inside sits up all night, as there is no room for him to stretch himself out. We did not measure these places, but we would judge them to be about 3 feet by 4 or 4½ feet each. Imperial Delhi staggers the imagination†; its slums have made an unforgettable impression on our minds.

### **Rents.**

In Cawnpore, we inquired about "house" rents. Two rooms cost from Re. 1.8.0 to Rs. 3 per month, and there is usually one lavatory for twelve dwellings. The infant mortality is over 200 per thousand. In Poona the rents were about Re. 1 per room on the Council estate, but in the slums the people were in the grip of moneylenders and landlords.

### **Unemployment.**

It is estimated that there are at least forty million unemployed in India. The Government of India have maintained at the I.L.O. at Geneva that there is no "industrial unemployment" in India, a position which was challenged by Mr. Joshi.

In communicating the ratification of India to the I.L.O. draft convention regarding unemployment agencies, in-

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\* These places were not, and could not have been, built originally for human habitation.

† We could multiply these instances endlessly, but our purpose is to give a few representative cases within our personal experience.

surance and relief works, the Secretary of State for India added a rider, "in order to avoid subsequent misunderstanding," and referred at some length to "the peculiar position of India in this matter" and emphasised "the difficulty connected with a complete ratification by India owing to the predominantly agricultural character of the country."

### The Mines.

We visited the mining areas of Dhanbad and Jharia. Some of the collieries are British owned, others Indian. We were received and entertained by Mr. Durham, the English engineer for thirteen collieries.

The collieries have built hospitals and housing accommodation. Men and women work on the surface and underground. The Indian Mines Act, however, will gradually stop women working underground. Public opinion and labour opinion is in favour of the removal of women from the arduous tasks of the pit,\* and this measure of legislation has been pressed on the Government for some time.

### Some Figures.

Year.	Males.			Females.		
	Under-ground.	Open Workings.	Surface.	Under-ground.	Open Workings.	Surface.
1926 ...	86,363	43,306	51,967	31,889	27,833	18,775
1927 ...	86,766	50,028	53,903	31,850	27,697	19,046
1928 ...	86,153	51,005	52,430	31,785	28,453	17,843
1929 ...	92,856	54,235	51,954	24,089	28,728	17,839

But employers and miners themselves find it a hardship; the employer loses the cheap labour and the working people find their family incomes decreased. The Indian Trade Union Federation has urged the Government to instruct the Mining Board to inquire into this matter in consultation with the representatives of miners to ensure the family income of the miners. The real remedy is to raise the wages of the miners, who are at present being paid about 6d. or 7d. per day. There is no daily limit, though there is a weekly limit, to mining hours in India.

All the collieries in the Jharia coalfields have houses for miners, which must conform to specifications as regards

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\* One of our number considers that the Act prohibiting women working underground is an undesirable restriction on women's rights in the field of industrial labour.

design, construction, ventilation, etc., which are regulated by the Jharia Mines Board of Health. Some workers live away from the collieries in the villages. The houses are licensed, and if labourers are found in occupation of unlicensed houses the management will be prosecuted.

The British mineowners have built a hospital and provide maternity facilities. A school for boys and girls is maintained by the Indian owners, for which the Government pays no grant. Indian owners complain that the Government buys coal only from the European-owned collieries.\*

### **Forced Labour.**

Agricultural serfdom as such is not permitted in India by law. But where free labour ends and enforced or tied labour begins in agriculture under a system of landlordism and extreme poverty of the masses of people, is hard to tell.

Apart, however, from these forms, which, while being legally "free," are still tied, Forced Labour obtains in India. The question has been raised at International Labour Conferences at Geneva, and the opposition to a convention abolishing it has come from the Indian Government.†

The Government in India employs forced labour and, as we have already pointed out, remunerates at scales lower than the miserable ones that prevail in the area.‡

We came across this problem acutely in Orissa. Time did not permit us to investigate it as well as we should have liked to do, for we felt certain that the practice obtains legally and illegally on a large scale.

In the Angul District, which is governed under the Angul Laws Regulation (Act III of 1913), Government officials exact Forced Labour. Orders are sent local officials for supplies of goods and services, which are enforced by penalties.

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\* We were told in Madras by labour leaders, among others, that Indian concerns are in financial difficulties because Banks do not give them the facilities and credit that they give to European owners. Some of these facts were elicited before the Indian Industrial Commission some years ago.

† See p. 444.

‡ We came across instances of this in Bihar and Orissa. (See p. 447.)

We have in our possession copies of orders issued under the authority of the Deputy Commissioner of Angul, and stated to be under the seal of his office, which calls on the local official to supply coolies for serving officials, beaters for shooting parties for the political agent and for providing cows, vegetables and other provisions for Government officials.

These orders threaten penalties and are very peremptory in their character.

The practice of Forced Labour is not confined to Angul. In other parts of British India\* also it obtains. *Baggar* is enforced in the villages and much resented.

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\* We understood that it obtained on an even larger scale in some of the Indian States under the Princes.

## CHAPTER XXII.

### BRITAIN, HER ALLIES AND INDIAN OPINION.

" . . . There is no denying the fact that during the last six months great sections of the population of India have stood behind the Government. . . . There has been our own steadfast band of officials, Indians as well as British, who have stood by us in a time of great emergency. The way to show one's good faith is surely not to break faith with one's own friends."

(Sir Samuel Hoare, 27th June, 1932.)

"It is perhaps not easy for the successful and unimaginative Englishman to realise what the rule of another race must mean to patriotic minds, and the great obligation that lies upon him to treat with all possible consideration those whom he has hitherto ruled. . . .

"If there are Indians who really desire to see India leave the Empire, to get rid of English officers and English commerce, we believe that among their springs of action will be found the bitterness of feeling that has been nurtured out of some manifestation that the Englishman does not think that the Indian is his equal."

(The Montagu-Chelmsford Report, 1917.)

#### (I.) THE OFFICIALS.

**T**HERE are critics of Government policy in India among the resident non-official European population, and their associations are taking an increasing interest in politics. To a lesser degree, perhaps, some of the "loyalists" might also be found to be critical of the Government. The official, though his position in India is different from that of the members of the Civil Service in this country, is part of the team that makes and administers policy.

These three groups broadly constitute the Government side in India. The statement, however, would require qualification in many details. The Europeans are not all of one view; loyalists include police sleuths; and Government officers cannot be prevented from possessing private opinions of their own.

#### **Our Interviews.**

We have been charged with ignoring the views of the official side. It has been officially stated in the House of Commons that our interviews with officials were formal and that our impressions are formed from "stage-managed

scenes." In Madura, Madras, Malabar, the North-West Frontier Province, the United Provinces, Calcutta and several other places, we saw prisons, bazaars, lock-ups, etc., in the company of officials. There was no "formality" as suggested in the answer in the House of Commons. When we were escorted by officials to see prisons we were "shepherded," and from the facts that we ascertained for ourselves Sir Samuel Hoare's allegation about "scenes which were stage-managed" apply more aptly to some of our officially assisted visits.\* Enough has been said in this Report, and facts and figures presented, to enable the reader to draw his own conclusions and pass judgment. The facts relating to our contact with the official side are:

(1) Some members of the Delegation had introductions from high quarters in London to high officials in India.

(2) Almost in every case our interviews with British and high officials were prolonged and very informal; the majority were seen at their residences in a social way.

(3) It was understood on both sides, in most cases, that the meeting was not an "interview" but an informal conversation.

(4) In the case of the lower officials in the villages and policemen, we met them in the course of our moving about villages and towns, and there was no stage-managing or formality about it.

(5) The conversations we had with some officials, particularly district officials, were very helpful to us.

(6) Discourtesy from the official side was rare.

(7) We did not find that local officials, District, and lower down, took the view as stated by the Secretary of State that the "scenes were being stage-managed" for us.

(8) The desire to exclude from our knowledge, incidents in India was part of the official desire and plan in some areas.

### **The Official Attitude.**

In writing this part of our report we are under a severe handicap. We are not at liberty to "quote" or to mention names even as freely as we have done in the rest of this Report, for two reasons. Firstly, many remarks have been made to us on the understanding that they were

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\* This remark should not be construed as a lack of appreciation on our part for the time that busy officials spent in taking us round, or of the kindness and courtesy that the majority of them showed us.

not to be quoted; secondly, even if we did quote a remark or cite an official testimony it would obviously be publicly denied, if it were on a matter of importance, and disagreed with accepted Government policy. A District official, with whom we had tea and a very long talk, who must, however, remain nameless, said to us quite bluntly, that he did not mind expressing his honest views to us, as he would deny a report of them by us, if it should be necessary. It therefore becomes necessary to summarise our impressions about officials in a general way, and to say that:

(1) They were willing to listen to our accounts of what we had seen and of the state of affairs as we understood them.

(2) They were generally uncritical of excesses; in many an instance officials said to us, "Probably these things happen," "No doubt such things occur," "I do not wish to deny . . .," or made other similar remarks.

(3) There are distinct differences of outlook and opinion among officials themselves both on political and administrative questions and their views about Indians.

(4) Even the more sympathetic of them appeared to be remote from the main forces of life that stir India, and their reactions, therefore, appeared strangely unrelated to the environment over which they had political and administrative control.

(5) The majority of them recognised that in the event of a General Election the Congress would win, if it cared to contest the elections, and also that no other party in India had anything like the power, the organisation or the devotion to a cause that the Congress had.

(6) Practically none of them appeared to think in terms of the control of affairs in India passing out of their hands in any real sense.

### **Ordinances and Officials.**

The result of Ordinance rule on the official side appeared to us to be:

- (a) The emergence of an "Ordinance mind."
- (b) The access of power to the police side as against the administrative side.
- (c) Decreasing contact with Indian opinion.
- (d) Demoralisation; this applies more to the police, the lower officials and to some of those who hold acting appointments.

## **The Ordinance Mind.**

In our view, to those lower down in the official hierarchy, at any rate, say up to and including District heads, it is known that excesses take place. The Ordinances, and the vast and unchecked powers they confer, have had several results. They have made the man on the spot, in the village, District or Provincial headquarters, more autocratic than ever. He exercises almost unchecked power and at the same time he is rather afraid of the consequences of what may be called "weakness." In the hands of those who are temperamentally domineering and sadistic, the wide powers have given their propensities full latitude under cover of the law.

The official next above, even if he is aware of what takes place, can do little to check abuses effectively. He can obtain little proof, even if he tries, and with Ordinance rule everywhere it is futile for him to do any more than trust the man on the spot. His sources of information, his standards of judgment, the exigencies of time and distance and the expediencies of policy and, what is above all, prestige, are all against the better instincts of his own nature. He knows all is not well; in private conversation he would admit it, but he acquiesces in or condones it in practice.

The Ordinance mind shows itself in another way. There is a callousness about human suffering, an ignoring of the opponent's sense of values, and a hardening of mental attitudes. The men and women who have been beaten, handcuffed, ordered to report, or otherwise humiliated are, more often than not, persons of high character; often at least equals in moral and intellectual status to the District Official or his superior in the Government. The responsibility for administering this kind of treatment has its reaction on those who do it, and we found that in India.

Another result is the tendency at each stratum of officialdom to keep news from going further up. This fact was borne in on us after our meetings with lower officials, District officials and members of the Provincial and Central Governments. This again is a direct consequence of the Ordinance regime and its autocratic character, which relies on summary methods.

Under Martial Law the civil administration would at least have been kept free from these effects, and on a



return to normality the administration would have been less brutalised. Police and officials in India, even in the lowest ranks, know that they are a law unto themselves,\* and, while they administer or maintain the law, they are themselves above it.

### **Police and the District Official.**

At least three important District officials, one British and two Indian (one of the Indians was I.C.S. and the other Provincial Service), told us that one result of the Ordinances was to make the police side more powerful than the administration side in the District. It is necessary here to refer briefly to the structure of District administration to explain this point.

The District Magistrate (the Collector or Commissioner),† as he is called, is the principal executive authority and representative of the Local Government.‡ He is responsible for "law and order" and criminal administration, and for this purpose the police force is under him, the District Superintendent of Police being his subordinate. But the District Superintendent of Police is head of the police and is responsible for the direction of the Force in its performance of its preventive, and nowadays punitive, duties.

A District under the Ordinances is analogous to a State under Martial Law, when the head of the Forces, if he is strong enough, usually becomes more important than the head of the State, a Premier or a President. Also Ordinance procedure leaves everything to the man on the spot and to his "discretion," and the police are the bulk of these men.

Ordinances thus make for Police *Raj*, even from an administrative standpoint, irrespective of the fact that the District Magistrate still continues to be the head of the District.

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\* Cf. some of the remarks of police constables and magistrates that we have quoted in the chapter on *Police Raj* in Action.

† He is called Collector in some Provinces and Commissioner in others. The head of a District is the principal revenue officer, hence Collector, formerly a Collector of Taxes. But he is also District Magistrate and has control and supervision of the criminal law machinery, and thus the ultimate control of the police. As representative of the Local Government he is responsible for law and order, and here also the police is his arm. The Presidency towns are exceptions to the rule of combining revenue and magisterial powers.

‡ Local Government means the Provincial Government.

### **Contact with Indian Opinion.**

Under the Ordinances even such contact as officialdom usually has with independent Indian opinion tends to be eliminated. The Legislatures in India have been boycotted by Congressmen and advanced Liberals,\* and in any case the contacts in the Legislatures between Indian opinion and officials are confined to the top ranks of the official hierarchy. In the District, the greater number of those whom the District officials meet are Loyalists, Government officials and others, who gravitate towards official functions. Those whom the District officials knew in the past as independent public men, as presidents of municipalities, etc., are either in prison or in the opposite camp. They wear *khaddar* or the Gandhi cap, which, to many an official, is still the symbol of disloyalty. One of the District officials whom we met complained to us bitterly about the Chairman of the Municipality of the town, who was formerly a friend of his, but who was now very "difficult." He used notepaper which had the spinning wheel as a crest on it, the Municipality flew a Congress flag, and so on. The section of independent Indians who are opposed to Civil Disobedience does not come into the official picture much, either. They are opposed to *Police Raj*, they do not offer support to the regime, and they do not form "loyalist leagues" as desired by the Government.†

Not all officials, in their private opinions, regard Congress leaders as fanatical agitators, or futile showmen, but events have wedged in between the progressive official and the more independent type of Indian.

### **Demoralisation.**

That there is brutalisation of the police force will be apparent from the instances that we have cited in the chapters on *Police Raj* and the Indian village. District officials, as we stated before, have become uncritical; they cannot be anything else and perform their duties. The

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\* There are no important members of the Liberal Party in the Assembly or in the Provincial Councils. Pundit Kunzru resigned from the Assembly as a protest against Governmental policy. He is a leading Liberal, and vice-president of the Servants of India Society.

† See p. 477 for Government expectations of its supporters. Also Hansard, Vol. 267, No. 120, p. 1494, for Sir Samuel Hoare's views of this group of Indians.

members of the Government are engaged in initiating or defending drastic legislation and proving that the police are in the right, and in rendering their conduct immune even against legal remedies.

Mr. Gandhi, in a letter to the Secretary of State, dated 11th March, 1932, from prison, summed up the position thus :

"Repression appears to me to be crossing what might be called the legitimate limit and governmental terrorism is spreading through the land. Both English and Indian officials are being brutalised. The latter, high and low, are becoming demoralised by reason of the Government rewarding, as meritorious,\* disloyalty to the people and inhuman conduct towards their own kith and kin. The latter are being cowed down. Free speech has been stifled. *Goondaism*† is being practised in the name of law and order. Women who have come out for public service stand in fear of their honour being insulted, and all this, as it seems to me, is being done in order to crush the spirit of freedom which Congress represents. Repression is not confined to punishing civil breaches of the common law. It goads people to break newly made orders of autocracy, designed for the most part to humiliate them."‡

Questions in the Legislature and Law Court cases have revealed that officials, civil and police, sometimes carry out their tasks under the Ordinances with an eye to advancement by earning a reputation for thoroughness. As an instance we would refer to the case that we have already cited in Chapter XVI., wherein the Joint Magistrate has hard things to say about the prosecution story. The first prosecution witness was the District Superintendent of Police.

### **Acting Appointments.**

We also quote a series of questions and answers in the

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\* A study of the Honours Lists in 1932 and 1933 would throw light on this allegation.

† Hooliganism.

‡ A statement by Mr. Gandhi may perhaps be challenged on two grounds: (1) that he is a partisan; (2) that as a prisoner he has no personal knowledge of facts. We have quoted his views as an appropriate summary of the facts and ideas to which we ourselves wish to refer. This allegation was similarly quoted by Mr. K. C. Neogy, in the Legislative Assembly. (Assembly Debates, 28th September, 1932.)

There is one further point which is relevant to our quoting Mr. Gandhi. Despite Civil Disobedience and opposition to Government, Mr. Gandhi is very much concerned about the morale of the Services, as he regards them as important to a future India. For that reason he is opposed to creating mass disaffection among troops or police, though he thinks that as individuals they may resign or disobey and take the consequences.

Bombay Legislative Council\* on this question, without comment.

*Mr. G. S. Gangoli* (Kanara District): Will the Honourable the Revenue and Finance Member be pleased to state with reference to the taluka of Siddapur in the District of Kanara:

(a) Whether it is a fact that in the month of June, 1932, the following officers were acting and were placed there purposely with the assurance of their being confirmed in their posts to use strong measures in recovering land revenue:

- (i) An acting Collector.
- (ii) An acting District Deputy Collector.
- (iii) An acting Mamlatdar.
- (iv) An acting Special Head Karkun.
- (v) An acting Inspector of Police.

(b) Whether in the year 1932 any extra police force was stationed at Siddapur and whether any additional hands were taken on in the establishment which looks to the land revenue collection?

(c) Whether any member of the Government or the Commissioner, S.D., or any agent from the Director of Information visited the taluka of Siddapur after the commencement of the collection work of land revenue in 1932?

*The Hon. Sir Ghulam Hussain*: (a) It is true that the officers mentioned were holding acting appointments, but they were not placed there purposely nor had they been given an assurance that they would be confirmed in their posts if they recovered the revenue by resorting to strong measures.

(b) Yes.

(c) No.

*Mr. G. S. Gangoli*: Is this an indication of how the Ordinances are administered? All the officers there are acting. Some of them are specially appointed for the purpose, but the reply is that they were not placed there purposely, and the further reply is that not even the Commissioner visited the place. Is that how the Ordinances are to be administered by the local men on the spot, as the no-tax Ordinance applied to that taluka? They are all acting officers there. The District Deputy Collector is acting, the Mamlatdar is acting, the Special Head Karkun is acting, the Inspector of Police is acting, and even the Collector is acting. Again, not even the Commissioner visited the place. There is the special police force also. Is that how the Ordinances are to be administered?

*The Hon. Sir Ghulam Hussain*: They happened to be there as acting officers.

*Mr. G. S. Gangoli*: It is not only that. They are special. The Police Inspector was specially appointed for the purpose.

*The Hon. Sir Ghulam Hussain*: Not all were specially appointed for the purpose.

*Mr. S. G. Gangoli*: Who is to supervise them when they are all acting?

*The Hon. Sir Ghulam Hussain*: The Collector will supervise, so also the Assistant Collector and the Deputy Collector.

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\* Bombay Legislative Council Debates 23rd November, 1932.

*Mr. G. S. Gangoli* : The Collector himself was acting, and he is the fourth or fifth man.

*The Hon. Sir Ghulam Hussain* : Then we must abolish all acting appointments ?

In at least one notable instance,\* in our experience, a District administered by an Indian who was "acting" as District head, had a record of repression, unparalleled in that province. Also, from his own statements to us, he appeared to have become a zealous propagandist as well as an administrator.

### **Difficulties of Officials.**

We should like to mention that the task of the District official in India under the Ordinances is not easy. He may be the head of the District, but, as we have suggested before, he is at the mercy of the Ordinance regime, and he functions and obtains his knowledge through layers of ill-paid, overworked and autocratic officials among whom corruption is alleged to be widely prevalent.†

Allowance has also to be made for cases where the official is in hostile surroundings and runs personal risks. This factor is, in the main, confined to certain districts of Bengal.‡ In the rest of India it is practically non-existent.§

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\* For obvious reasons we do not publish the particulars of the person and place.

† Cf. Simon Report, Vol. II., p. 44.

‡ We were sneered at for suggesting that this immunity from personal violence enjoyed by the officials in the greater part of India was due to the non-violent policy of Mr. Gandhi and the Congress. We were, however, impressed by its effect among the Red Shirts, who, unlike their brethren of the plains, still occasionally commit violence to Government property, but not to the persons of officials.

§ The Secretary of State in a speech in the House of Commons on the 29th February, 1932, referred to the "great risks to their own lives and to the lives of their families" to which the police were exposed. The casualties on the police side in 1932 would prove an illuminating comment on this allegation. As Sir Samuel Hoare himself admitted in a later part of the speech, by implication, in the present Civil Disobedience campaign the boycott of public servants is not practised. In fact, it is strictly forbidden by Congress, as we have stated before. The implication in the statement of the Secretary of State is not borne out by facts.

In a second speech on the same day Sir Samuel Hoare alleged that "several branches of the Congress organisation are hand in glove with the terrorist movement," and also alleged that "several of the most prominent Congress leaders in Bengal have given their blessing

| Nevertheless, the absence of the confidence of the people whom they govern, the realisation that they represent an institution against which the people are fighting, and that they are looked upon as agents of an *alien* Government, are factors which do not make the role of the more sensitive and conscientious official a happy one.

## Two Schools.

Our conversations with British officials impressed on us the fact that in every rank of them, there were differences of opinion about political matters, and about their attitude to Indians.

There were those who have pronounced views on the wholesale weaknesses of the Indian character, and the unfitness of Indians, for all time, to look after themselves, and some of these gentlemen allowed the expression of their unbalanced views even to outrun the limits of good manners.

But among members of the Governments, and District officials, there are a number who do not believe in the doctrine of the "strong hand" as a solution of India's problems, and who assess Indian character and ability without racial bias.

## (II.) INTERVIEW WITH THE VICEROY.

We were cordially welcomed by Their Excellencies Lord and Lady Willingdon, at Viceregal House, New Delhi, on the 13th of October (1932). Lady Willingdon retired after a short conversation with us. Our interview with His Excellency the Viceroy lasted an hour. Mr. Melville, the Private Secretary to the Viceroy, was also present.

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to the terrorist movement." As against these allegations of the Secretary of State there is the statement of Sir Harry Haig, in the Assembly, quoted on p. 103, the assurance made to us by Sir Abdul Qayum, the Minister on the North-West Frontier Province, and that of several other officials in India which we have referred to in these pages about the non-violent character of the Nationalist Movement in India.

Sir Samuel Hoare, however, is not alone in holding views different from those of the Home Member of the Government of India, about the violent character or otherwise of Congress; Mr. Hudson, of the Bombay Government, in the very Assembly in which his chief, Sir Harry Haig, was speaking, made a contrary assertion. Apparently among those who are responsible for the Government of India there is a difference of opinion!

Lord Willingdon said he was glad that The India League had sent out the Delegation, because he considered that English people should in a larger number visit India and see conditions for themselves.

His Excellency next asked us what we had specially observed about the country and its people.

We spoke of our investigations in the villages, and referred to the economic conditions and the "starved" peasantry.

"Starved! What do you mean?" asked the Viceroy.

We said: "In the United Provinces, round Allahabad and elsewhere, a state of famine exists. We found villagers in one place living on berries, that were really injurious to health."

"There is no famine anywhere in India," said the Viceroy. "When famine exists it is reported to me and a state of famine is required by law to be proclaimed. I have heard nothing about the condition you report. Strange that you should have come to India to find famine when my officers do not report its existence."

We could only say that we had seen with our own eyes the conditions we described, and heard for ourselves, first hand, from the peasantry about their plight.

We next talked about the Poona Pact. His Excellency said he was glad that agreement had been reached between Caste Hindus and the Depressed Classes, but he seemed sceptical of early substantial and permanent benefits accruing to the Untouchables, as a result of the Pact.

We then spoke of the great feeling in the country and the extraordinary influence of Mr. Gandhi, and asked whether the Government could not release him to strengthen the endeavour to bring together Caste Hindus and Untouchables and to promote the interests of the latter.

"The little man can be released to-morrow if he will only agree not to break the law," His Excellency replied. "I know what is being said about my dealings with him, but what is the true position? I have known Gandhi for twenty years or so. I do not regard him as a saint. He is a very shrewd politician. He has always refused to co-operate with me. Years ago I was asking him to do so. The fellow said at the Round Table Conference that Civil Disobedience was an article of faith with him. What is to

be done with a man like that? Let him come back here and break the law? When he did return and began that nonsense I simply had to arrest him, and I would do it again. When I returned to India, as Viceroy, I knew the man from previous experience. Still, I wanted peace. I begged the fellow to co-operate with me and tried to make him understand that here was I, an elderly gentleman eager to give a few more years of service and anxious to help to get things straight in India. He simply would not respond. It is quite untrue that I broke the truce. While Gandhi was in London his followers here were up to mischief. Jawharlal Nehru started his no-rent campaign in the United Provinces, and there was serious trouble with the Red Shirt movement on the Frontier. My best Governor, Sir Malcolm Hailey, came to me and made it plain that we simply could not let things go on as they were, and that action must be taken if we were to avoid a very dangerous situation. The Ordinances were put into operation. Then Gandhi came back and telegraphed to me for an interview. I said then that I was prepared to discuss general policy with him, but he wanted me to withdraw the Ordinances, and then, when I refused to hear of discussing that question, he began to threaten. His article of faith was Civil Disobedience, and we were faced with another dose of that. He broke the law and he was arrested. For the life of me I can't see what is wrong with my action. While I am in charge of the administration of this country I am going to administer—to see that the law is observed and maintained. There can be no other administration or parallel government. If Gandhi does not realise that he will have to stay in gaol. If he calls off Civil Disobedience and means it, he can come out to-morrow.”

After the Poona Pact, Pandit Malaviya and Maulana Shaukat Ali had met to confer about a settlement\* of Hindu-Moslem differences, and the latter had telegraphed to Lord Willingdon advising him that he proposed calling a conference of Moslem leaders at Lucknow to explore the possibilities of agreement with the Hindus. The Maulana, also at a later date, asked the Viceroy to release Mr. Gandhi,†

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\* See Chapter XXIII.

† The Maulana asked for an interview with Mr. Gandhi, which was also refused.



so that negotiations might be helped and a better atmosphere be created. To the Maulana's notification of his intention to convene the Lucknow Conference, Lord Willingdon sent a reply by telegram which created some surprise in India. After expressing his pleasure at the news that efforts were to be made to secure unity among the communities, the Viceroy added :

"The first step will be for you to assure yourself that in the action you contemplate you have the support of the Moslem community in general. In this connection attention is invited to the statement issued to the press on October 7th by the President of the All-India Moslem Conference and others."

We referred to this matter, and mentioned that there was a great deal of criticism of the telegram, and that as the Viceroy himself had made no public suggestions whatever when the Caste Hindus and the Depressed Classes were in conference over their difficulties, it seemed strange that a warning had been given to Maulana Shaukat Ali in such terms about the Moslems.

The Viceroy replied that he in turn was surprised that anybody should see anything to criticise in his telegram.

"In my telegram," he said, "I declared that I was glad to hear that proposals for unity were under discussion, but I had to warn Shaukat Ali not to put his foot in it, and think that he spoke for all the Moslems. Surely I was entitled to do that?"

We tried to press the point that if the Maulana was not authorised, by the whole of the Moslem community, to proceed with his plans, that was his responsibility, and that it appeared to outsiders like ourselves that there was a sharp contrast between official silence over the Poona Pact negotiations and the suggestion of a "wet blanket" officially dropped on the Hindu-Moslem overtures.

"Nothing of the kind," said Lord Willingdon. "The two cases are not analogous."

"In this case," the Private Secretary interposed, "Mr. Shaukat Ali wired to His Excellency, and he had to be answered."

"Exactly," answered Lord Willingdon, "I thought, and I still think, that it was advisable to warn him not to put his foot in it. I agree that Shaukat Ali has a following,

but the only body that can speak for the Moslems is the All-India Moslem Conference,\* and I warned him to make sure of his ground before he went too far."

The Viceroy at this stage criticised our Delegation, and said he was sorry that we had committed ourselves to one side, and that Congress.

We inquired on what grounds His Excellency had come to such a conclusion.

"It may surprise you," he said, "to know that we are kept fully informed of all your movements and doings."

We replied that that was no surprise to us because we knew we had been closely watched and all our movements and interviews reported on by the Police—sometimes quite inaccurately.

Lord Willingdon made some reference to our mission being financed by Congress—which was not true—and wound up with a general indictment of us.

This courteous and interesting exchange of views on India came to an end after an hour. Lord Willingdon affirmed that he was perfectly satisfied that his policy was the right one and that everybody appreciated the law and order he had established.

"Eighteen months ago," he said, "things were in a mess. I will guarantee that conditions are to-day a hundred per cent. better than they were then, and I go further and guarantee that the people are a hundred per cent. happier—now that they can be sure of protection and liberty to go about their business as they wish."

### (III.) THE EUROPEANS.

The European community in India consists merely of members of the civil and military services of the Crown, those engaged in banking, commerce and industry, and planting, and a few others who may be in private employment or in professions. During our stay in India we were

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\* Maulana Shaukat Ali is an ex-President and a Vice-President of the All-India Moslem Conference, to which the Viceroy refers. The Lucknow Conference was attended by twenty-eight members of the executive and four officers of the All-India Moslem Conference. (See Chapter XXIII.)

not able to see a great deal of the members of this section, but we endeavoured as far as possible to ascertain their views and meet some of them.

Among those whom we saw (apart from officials) were journalists, connected with Anglo-Indian papers, a group called the "Young Europeans" in Bombay, and other individual members and leaders of the European community.

The total strength of the European community in India\* is estimated to be about 200,000, of which about 45,000 are women and about 60,000 British troops. The services under the Crown account for approximately 1,200 of the remainder, while about 20,000 are estimated to be employed in commerce, industry, planting, etc.

### **The European Association.**

The non-official European community is organised and, in view of political issues, is taking an increasing part in the protection of European interests and in the discussion of Indian political questions.

The major object of the Association is the organisation of European influence in the political life of India. We understood the main general political claim of the Europeans to be :

(a) The securing of equal rights and privileges for themselves and British companies, as enjoyed by Indian-born citizens in all industrial and commercial activities.

(b) The maintenance of the existing special rights of Europeans in regard to criminal trials.

(c) Special representation in the Legislatures.

The European community and European commerce are represented in the Legislatures of India to-day by election through special constituencies.† The majority of the seats are uncontested.

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\* These are 1921 Census figures, but may be taken as fairly appropriate even now.

† These numbers do not represent the total number of Europeans sitting in the Legislatures as the Government benches are usually represented by a number of European officials.

Province.	Commerce, Industry & Planters.			General			Total Elect. Seat in the Councils.
	No. of Seats.	Uncon- tested.	Percent- age Voting.	No. of Seats.	Uncon- tested.	Percent- age Voting.	
Bengal ...	11	11	—	5	2	6.4	114
United Provinces	—	—	—	1	1	—	100
Bihar & Orissa...	2	2	—	1	1	—	76
Assam ...	5	5	—	—	—	—	39
Burma ...	1	1	—	3	3	—	80
Coorg ...	2	2	—	—	—	—	15
Assembly	8	8	—	—	—	—	104
Madras ...	4	4	—	1	1	—	98
Bombay...	3	3	—	2	2	—	86

### Europeans Urge Repression.

The Council of the European Association, at its meeting in Delhi in February, 1932, urged (1) that the main provisions of the Ordinances must remain operative; (2) that Congress men and women then in prison should remain in jail unless prepared to recant; (3) that if the Government were to announce a policy of not releasing these it would secure co-operation from those who are at present doubtful of the Government's intentions; in addition to maintaining the support of those who already co-operate; (4) that these men and women should remain in prison until provincial institutions are established.

The Bombay branch of the European Association, on the 31st March, 1932, when the Ordinances were in full swing, demanded stronger action. At the Annual Meeting, at which H.E. the Governor of Bombay\* was present, Mr. Miller, the retiring President of the Association, said :

"We fully support the Government of India in the manner in which they have tackled the situation since the beginning of the year, which, if anything, in my opinion, has erred on the side of leniency. . . . We are satisfied that there will be no weakening on the part of the Government, and indeed there may be need for stronger action, though we sincerely hope this may not be necessary. . . ."

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\* So far as we are aware, the Governors of Provinces do not attend annual gatherings of any of the well-known Indian National organisations. Even before the Congress was banned, the official side showed little attempt to understand its viewpoint.

### **In Truce Time.**

A copy of a letter dated October, 1931,\* was obtained and published by the Indian Press on May 18, 1932. It was addressed to the Home Department of the Bombay Government by the Bombay branch of the European Association, and made the following specific suggestions to counter Civil Disobedience in the event of its revival :

(1) That immediately Civil Disobedience was declared Congress should be declared an illegal body, and Congress property and property used for Congress purposes should be confiscated and at once sold or destroyed.

(2) That flying of the Congress flag, and all kinds of ceremonial connected therewith, should immediately be forbidden.

(3) That similar action should be taken in regard to parading or drilling of volunteers and similar operations of a military nature.

(4) That all those who are known to have been responsible for the organisation or financing of the last Civil Disobedience movement should be at once brought under control and, if necessary, put under restraint. It is suggested, in fact, that they should be treated in the same fashion as enemy subjects interned during the war.

(5) That provision should be made to prevent any persons or bodies from deriving financial benefits as a result of political upheaval. Both regulations might be compared with those adopted in the United Kingdom against profiteering during the war. Two specific methods by which it is suggested that such provision might be made effective are : (a) That steps should be taken to stop Congress funds at source, accompanied, if necessary, by an Ordinance compelling the production of banking accounts ; (b) that textile mills or other commercial undertakings which have signed agreements with Congress, while that body has not been proscribed as illegal, should be required immediately to withdraw adherence to any compact with Congress on pain of being denied rail transit for their goods. Something of this kind would appear to be vital, one of the terms accepted by at any rate some of these signatories being an undertaking to give Government no assistance in any action which they may take against so-called national activities.

### **Agents Provocateurs.**

The deputation which made this representation was led by Mr. Abercrombie, who, in his letter to the Home Department, sent on the suggestion of the Home Member, said :

" My Committee therefore, request that persons in the employ of the Government may be sent in the guise of ordinary citizens to

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\* This is during the Truce period.

picket shops, demand the goods of mills banned by Congress, with the police in readiness to arrest picketers if any coercion or intimidation is used."

### **Conciliation Suicidal.**

The Home Member was also informed that unless this was done there would be counter-picketing, or merchants would "take the law into their own hands in other ways."\*

The Bombay Europeans' memorandum further said :

"... If the Government make all other considerations subordinate to the need for prompt and decisive measures against the movement, the moment it reappears :

"There will be no room for doubt as to its object, and an attitude of conciliation will be tantamount to suicide.

"The greater the latitude permitted the longer and the more bitter will be the struggle and the worse the suffering.

"It cannot be too strongly urged upon the Government that if the revolutionary movement again gets under way their action must be prompt, vigorous and even ruthless. Congress must not be given time for the full mobilisation of its undoubtedly powerful forces."

### **The Bombay View Endorsed.**

A copy of Mr. Abercrombie's letter to the Home Department, from which the above extracts are taken, was circulated on the 28th October, 1931, by Mr. T. Chapman Mortimer, General Secretary of the European Association of India, to all circles and branches, with the comment that the views of the Bombay branch had the full support of the President and Council of the Association.

The Abercrombie circular may thus be regarded as the view of the organised European community in India during the period of the Truce, when the Round Table Conference was sitting in London.

### **More European Collaboration ?**

Mr. Neogy, in his speech in the Assembly on the 28th September, 1932, cited evidence to show how Anglo-Indian journals had forecast the action which was after-

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\* A statement of this kind from Congress would be spoken of as an attempt to intimidate the Government, and a Congressman or Nationalist making such a statement would, judging from what obtained in India, be guilty of a serious offence rendering him liable to several years' imprisonment.

wards taken by the Government, and pointed to the correctness in detail of the forecast.

For instance, the special Delhi correspondent of the *Madras Mail* wired to his paper on the 2nd January, 1932 (two days before the Ordinances were promulgated, and while Mr. Gandhi and the Viceroy were still in correspondence) that :

"There is no doubt that the Government of India's determination to face the challenge from the Congress is strong, and within a fortnight the fight will be over through the elimination of all listed Congressmen from the area of struggle and that only when the alternate leaders step into the breach will the real test come, both of the Congress resources and of the Government's authority."

The same message also said :

"There is every indication here that the challenge by the Congress is to be accepted at once with all the force that the Government can command, so that instead of the machinery of the law gathering momentum by the process of use, it is to be started off at full speed so that no risk may be run. According to the official plan all those who defy the order and join the Congress are to be jailed, so that a proper atmosphere may be created for the purpose of discussing constitutional questions."

"... It is argued in these circles that as a result of taking firm measures the ground will be cleared of obstructionists and the moderate elements will be enabled to assist Government in devising proper machinery so that Parliament may enact it."

"It is visualised by this school of thought that a constitution thus made will presumably ensure the vital interests of the present and that it will enable the British element to set up an Indian Government with the help of British authority enforcing law and order through an Indian agency, backed if necessary by British troops against such as would defy the new constitution."

European leaders also expressed views which, while pleading for the strong hand, revealed a remarkable coincidence in detail with the ideas and actions of the Government.

Mr. James, a Madras European, said on the 26th January, 1932, in the Provincial Council :

"Whether the method of enforcing the law should be by imprisonment or by the forcible dispersal of those who picket. Does any Member of this House think for one moment that the method of imprisonment will be as efficacious? What will happen? The jails will be full. Many young men—and, I regret to say, many young women—will come forward under the impression that it is a glorious thing to go to jail. It costs them nothing and the Government would be forced to erect more jails for which this Council would be asked to provide more money."

Mr. James then defended the use of force as an alternative method, and, referring to police excesses, said :

" The responsibility\* for any nuisance which may have occurred rests with those who have provoked the use of this arm of the law."

### **Intelligent Anticipation.**

The extracts which we have quoted from European organisations, leaders and journals, are important in their anticipation of Government policy and the similarity of the latter to the recommendations and suggestions made by the former. The Anglo-Indian Press is the " Government Press."† Its correspondents have access to the official mind and it flies the Government's kites. The leading members of the European community have also access in a social way to those who mould and formulate Government policy and they and their newspapers may speak in decisive language, in a way that Indians (except the section that goes to prison in consequence) may not.

### **Independent European Opinion.**

Outside the ranks of organised Europeans there are large numbers of the community. They are less articulate, and we were frequently told in India by Indians and some of the Europeans that we met, that the European Association by no means spoke for all the Europeans in the country. Some letters from independent Europeans advocating a progressive and conciliatory policy, and condemning the Ordinances, appeared in the Anglo-Indian press, notably the *Times of India*, of Bombay. Even among the politically articulate Europeans there are differences of opinion. There is a progressive section, especially in Bombay, which aims at co-operation with Indians, while in Bengal there is

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\* The endorsement of Mr. James's remarks by the spokesman of the Government followed. The Home Member of the Madras Government said : " It has been stated that we should put the offenders in jail. My friend Mr. James has given a very effective reply to it. As a measure of retrenchment we had to cut down the salaries of poor officials and had to send away a large number of labourers employed in Government service. All this retrenchment we have to effect partly on account of the Civil Disobedience movement of last year. If you are going simply to arrest people and send them to jails, as my honourable friend, Mr. James, rightly pointed out, this House will have to be asked to vote several lakhs of rupees to construct new jails, and to maintain them."

† Cf. Simon Report, cited ; chapter, " The Press."



a right wing, which a short time ago organised itself as "Royalist." The present attitude of these Royalists is not very clear, from the information we have. Towards the end of last year the changes of government in this country mollified European opinion in India, and these, with recent measures of decentralisation in their organisation, appear to have closed the dissension which was evident in 1931-1932.

### **The "Benthall Circular."**

The policy of the leaders of the politically-minded during the Truce period and at the Round Table Conference was to fight Congress to the finish, and they, like the Government, and with the Government, were preparing for it. In a circular issued by the Royalist Association, 17, Stephen's Court, Calcutta, marked "Very Private and Confidential," giving a resume of an address by Mr. Benthall (now Sir E. C. Benthall), the European delegate to the Round Table Conference, the following appears :

"But as the result of the election (the British General Election of 1931) the policy undoubtedly changed. The right wing of the new Government made up its mind to break the Conference (the Second Round Table Conference) and to fight Congress. The Moslems, who do not want Central Responsibility, were delighted. Government undoubtedly changed their policy and tried to get away with Provincial Autonomy with a promise of Central Reform.

"What line were we to take? *We had made up our minds before this that a fight with Congress was inevitable, we felt and said that the sooner it came the better, but we made up our minds that for a crushing success we should have all possible friends on our side.*

"The Moslems were all right; the pact and the Government's general attitude ensured that, so were the Princes, and the minorities." (Italics ours.)

### **Indians Allege a "Conspiracy."**

The circular claims that the Europeans pressed their view on the Government and it was accepted. In another part it refers to legal advice which the European delegate to the Round Table Conference sought. Among those from whom assistance was sought are mentioned Sir John Simon (a Cabinet Minister) and "*the principal law officers of the Crown, the India Office and the Foreign Office.*" (Italics ours.)

The circular was referred to in a censure debate on Government policy in the Assembly. The Government

spokesman, Sir George Rainey, said : " I see no obligation resting on Government to explain circulars attributed to particular private individuals," but, when questioned more closely, pleaded " no information " and declined to give answers.

The mover of the censure resolution,\* which dealt with the imprisonment of Mr. Gandhi and the unsatisfactory nature of the " dual policy," referred to the Benthall circular, and said that :

" It appeared that there was a serious conspiracy to put Mr. Gandhi in jail and to prevent India from getting real responsibility."

### **The Royalist Programme.**

The policy of the Europeans in political issues is expressed in another part of this Royalist circular, thus :

" The right policy therefore seems to be that followed by the European representatives at the Conference. If we merely adopt an intransigent non-possumus attitude we may in five years' time find ourselves thrown to the wolves by an extreme Socialist Government. If, on the other hand, in the course of the next five years, parts at least of the scheme are worked out by the National Government and agreed upon by Indians, it will be very difficult for a Socialist Government to upset those agreements. Judging by what Mr. Benthall says, it may be possible to secure a commercial convention within five years. A policy which swings violently from extreme to extreme will be fatal alike to our special interest and to the peace of the country.

" We should like to see the following points secured :

" (1) The measure of responsibility at the Centre must depend, among other things, upon the success of Provincial Autonomy after a fair trial, and there must be no attempt at an immediate grant of Central Responsibility.

" (2) The position of the Central Government must be strengthened in order to prevent any possibility of open defiance of the Central Government by the Provinces, and no inauguration of Provincial Autonomy can be contemplated till this strengthening has been achieved.

" (3) Each Province must be given ample time to settle its own problems, and its participation in any scheme of federation should, we believe, depend upon voluntary settlement of those problems.

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\* Assembly Debates, 1st April, 1932. The motion was closed by 48 votes to 34. The principal supporters of the motion walked out, and it was lost without Division. A similar censure motion in February was defeated by 62 votes against 44. The Government's majority was made up of 14 elected Indians, 9 Europeans and 39 officials and nominated members. The Indian side of 44 was made up of 43 elected members and one nominated member, Mr. N. M. Joshi, who votes as an independent, though nominated by the Government.

"(4) Any attempt at an increase in the rate of Indianisation of the Services, particularly the I.C.S. and the Police, must be strongly opposed.

"(5) So far as possible the railways and ports must be removed from political control.

"(6) Voluntary settlement of the communal problem is an essential prelude even to Provincial autonomy. If an imposed settlement has ultimately to be made it would not embrace anything approaching complete Provincial Autonomy.

"In this summary we have assumed that the great majority of members are in agreement with the principle that reform of some kind must be introduced. We are aware that a certain proportion of Europeans are opposed to any advance whatsoever. We would remind such that the present system of Government is so weak and cumbersome that it is positively dangerous to allow it to continue. Dyarchy has heavily loaded the dice in favour of the Hindu and sets a premium on unconstitutional agitation and has made it extremely difficult for the Central Government to act forcefully and quickly except under the special Ordinances.

"It must not, however, be supposed that when we agree that reforms are necessary, we advocate democratic reform in every Province.

"All we mean is such a change in the system of Government as will in time prove its efficiency."

#### (IV.) THE LOYALISTS.

In its manifesto to the people on the 4th January, 1932,\* when the Ordinances were promulgated, the Government of India appealed for the co-operation of:

"all who have at heart the peace and happiness of the people of India, and who, neglecting the methods of revolution, desire to follow to its certain goal, the path of constitutional advance."

#### The Official View and Demand.

On the Government's own showing,† public opinion had not rallied to the defence of this policy. Indians who differed from Congress appealed to the Government to conciliate and not to repress. They condemned the excesses and the humiliations inflicted on the people. The Government, however, paid no heed to Indian constitutionalists and appeared to demand their support on its own terms. Support of the Government meant supporting its administrative acts.

In the Bombay Council,‡ Rao Bahadur Kale moved that

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\* See pp. 29-31.

† Cf. Opinions of Sir Samuel Hoare; Bengal Government Police Report, etc., cited in previous pages.

‡ Bombay Council Debates, Press Reports, 12th March, 1932.

an address be presented to His Excellency the Governor to convene a conference of representative leaders to seek ways and means to bring about a calm atmosphere which would facilitate the work of the Round Table Conference Committees then in India, and the task of framing a new Constitution.

The answer of Mr. A. G. Thomas, the Home Member, in his reply to the debate, was that he was of opinion that the leaders of different parties in the House could organise themselves and bring about this atmosphere, independent of the Government, instead of merely offering co-operation.

"We have a common goal; namely, the restoration of normal conditions and the introduction of reforms. Government and the public could proceed along separate roads towards the common goal. What we want now is, therefore, propaganda, propaganda and more propaganda. Lip services are of no avail; action is required. Shall I be expecting too much, therefore, if I suggest that, if an interview is granted by His Excellency to the Party Leaders, they should go to him with definite proposals for the organisation of a Loyalty League or a Peace Party, or whatever you may call it, with the express object of explaining to the people what was actually happening at the present moment?" (Italics ours.)

This speech is typical of the Government's attitude to, and expectations of, its supporters. It calls on constitutionalist Indians to do propaganda on behalf of policies, in the making or carrying out of which they have no effective voice! It expects people to form "Loyalty Leagues." No self-respecting Indian, however opposed to Congress and Direct Action, and however cautious on matters of political advance, will go anywhere near a "Loyalty League." "Loyalty" and "Loyalists" in India are synonymous with kow-towing and sycophants.

### Indian Response.

The appeal of Indian friends of the Government, for conciliation, fell on deaf ears, and such support as Government can claim does not come from independent Indian leaders or groups.

Pro-Government propaganda, to the extent that there is any, finds expression through channels which include:

- (1) Government *communiqués*, speeches, and announcements.
- (2) The publication of the Publicity (or Information) Department.

- (3) The subsidised press.\*
- (4) The Anglo-Indian, and, to a lesser extent, some Provincial ministerial Indian journals.†
- (5) Government "conferences," Durbars, etc.
- (6) "Constitutional," "Loyalist," "Country," "Commercial" and other Leagues and *Aman Sabhas*.
- (7) Government school teachers, inspectors, police spies, etc.
- (8) Europeans' organisations.

We do not propose to deal with each of the above in detail. Suffice it to say, that the impact that any or all of these has on the mind of the intelligentsia, the average citizen or the masses, is negligible, if any at all. It would also be true to say that in a number of cases these organisations are "command performances," and the sense of purpose and faith in objective, which is the essence of all propaganda, is absent.

### Official Publicity.

The Government's announcements receive full publicity; indeed, as has been shown, it can order publication. Its subsidised journals do not command any confidence. The "Information" Departments of Government are in the same category, and this is not surprising when it is realised that part of the "information" officer's work is to mutilate news and otherwise interfere with the press.

The Anglo-Indian papers are the Government press. While there are matters concerning the European community on which they join issue with the Government or take the Government to task for "weakness," their support of Government policy is continuous. The Anglo-Indian papers also give wide publicity to items of Indian propaganda which are of a pro-Government character. These papers are read by Indians as well as the British residents in India. The ministerial papers such as those in the Punjab, Bengal and Madras, are also supporters of the Government, subject to their own sectional (Communal) aims.

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\* See Chapter XV.

† Mainly in the Punjab, Bengal, and Madras.

### **Official Conferences.**

The more "zealous" Indian official holds "conferences" and meetings. Mr. Khotwalla, of Surat, spoke enthusiastically to us about his efforts in this direction. We have before us a press report of one of these conferences held at Chikkli, where, according to Mr. Khotwalla, not a single inhabitant had been arrested or punished under any Ordinance. At this conference he pointed out to those present how Village Patels (Government officials), who had been loyal to the Government\* in the previous Civil Disobedience campaign, had been rewarded with cash allowances and with special and magisterial powers. As another instance of these rewards of loyalty to the Government, he referred to the six villages in the Bardoli Taluka, which were enjoying immunity from Bagayat rates, while 37 villages, which refused to co-operate, had to continue paying the higher rate.

### **School Teachers.**

School teachers were sought to be used for this purpose, notably in the United Provinces and Bengal. At Comilla, in Bengal, the District Magistrate took to addressing students. According to a press report, dated 16th Jan., 1932, orders had been served on heads of educational institutions to co-operate with the police. They were to send two representatives of their institution to the police station, to identify the students who had attended the magistrate's meetings, apparently with a view to ascertaining who were not present to hear the magistrate.

The United Provinces Government denied that it proposed to make use of school teachers for ordinary political propaganda, but argued that Civil Disobedience was against all constituted authority and all citizens should resist it, and therefore teachers may be used for the purpose. Literature would be prepared by the Director of Publicity and supplied to teachers of Primary and Middle schools in rural areas, who would be expected to treat them as the basis of informal talks to students and villagers.†

School teachers in India, particularly of the lower grades, are miserably paid; the schools are Government-aided, and

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\* A number of village officials in Gujerat resigned their posts and joined the Non-Co-operation movement.

† Leader, Allahabad, 17th February, 1932.

the school teacher is thus in a position of complete dependence on the powers that be.

### **Extent of Loyalist Propaganda.**

We append a list of loyalist meetings held in April and May, reported in the *Times of India*, of Bombay. The particulars show that they are invariably held under the auspices of officials or title holders and, while the "Leagues" and "Associations" have very plausible titles, they appear to meet in private houses or other select and secluded places.

- (1) Meeting of the Conservative Party at Lucknow. *Times of India*, 1/4/32.
- (2) Meetings of the villagers in Bardoli Taluka. *Times of India*, 1/4/32.
- (3) Durbar at Surat, to meet the Commissioner. *Times of India*, 5/4/32.
- (4) Meetings of the Loyalists' Associations in the United Provinces. Press reports, 10/4/32.
- (5) Demonstration of Loyalists in Satara. *Times of India*, 13/4/32.
- (6) Meeting of villagers in Panvel Taluka. *Times of India*, 22/4/32.
- (7) Taluka Durbar at Sehada by the Collector of West Khandesh. *Times of India*, 29/4/32.
- (8) Welcome address to the Chief Commissioner of Delhi by the Delhi Citizens' League. *Times of India*, 4/5/32.
- (9) Loyalty meeting held at Tadas, presided over by the Collector of Dharwar. *Times of India* 5/5/32.
- (10) Meeting was held at Velapur in the Malsiras Taluka, District Sholapur, under the Presidentship of Mr. Sant, Prant Officer. *Times of India*, 12/5/32.
- (11) Anti-Congress meetings were held at Yedshi, Pangri, Vairag, and Vadala in the Barsi and Shoaapur Taluka. *Times of India*, 12/5/32.
- (12) An informal meeting was held to form a branch of the Indian Dominion League at the house of Khan Bahadur Sardar Habibullah, M.L.C. *Times of India*, 13/5/32.
- (13) Meeting of the leaders of various communities was held at the Nasik Hotel, to form "The Nasik District Peace and Progress League." *Times of India*, 13/5/32.
- (14) A public meeting was held at Bulsar, presided over by the Mamlatdar of Bulsar Taluka. *Times of India*, 13/5/32.
- (15) A public meeting was held at Satara and meetings were organised by Mr. Kale. *Times of India*, 16/5/32.
- (16) A representative meeting was held at Bardoli to express loyalty to the Government. *Times of India*, 16/5/32.
- (17) Meeting of the Loyalty League at Malvan. *Times of India*, 17/5/32.
- (18) Taluka Durbar presided over by the Collector of West Khandesh. *Times of India*, 18/5/32.

The masses of the people are unaffected by these efforts; as serious attempts at countering Congress or Nationalist views, or explaining Government's actions, or rallying support for it, they have had no success.

#### (V.) INDIAN OPINION.

That Indian opinion, moderate or Congress, has no faith in the *bona fides* of declarations of the British policies and promises, is admitted by officials. One of the very high officials, with whom we had an interview in the early part of our visit, impressed this fact on us on his own initiative. He asked us whether we had in the few days of our stay noticed it, and he further told us that that was one of the facts that should be impressed upon the British public. While, on the one hand, he defended the "firm" hand and all that goes with it, he appeared sadly concerned at this state of affairs.

#### Indian Distrust.

Public utterances and formal addresses of Loyalists and other groups notwithstanding, there is to-day no group of people or individuals of eminence in India who believe in the *bona fides* of British declarations or in the good faith of the British Power\* in India.

We did not form this impression from what Congressmen or their friends told us. We have already referred to one official assertion on this point. It was followed by others from Indian and British officials. The moderate people of the Deccan Sabha of Poona, the right wing of Indian Liberalism, the late Sir Ali Imam, a Moslem and an ex-member of the Government, and a number of others agreed in saying, "We once believed in Britain, but now the confidence is almost completely gone," or words to that effect. They contrasted promises with performances. These Indian moderates, who know their facts, referred to

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\* A distinction must, however, be made between "British Power" and individual British people. There is no race hatred as such in the minds of political Indians, but they do not trust the Government of India or this country or British politicians. As for the Government of India, the situation is best expressed by quoting the supplementary question of Mr. Neogy in the Assembly: "Are the Government aware that the credit of the Government stands so high with the public that all official *communiqués* in such cases are presumed to be incorrect?"



the policy which obtained and the excesses of the administration as conclusive proof that Great Britain did not believe in her own profession of the love of liberty, justice and all the rest.

At Poona, we also met ex-Judges, ex-Deputy Commissioners and others, of whom we asked the same question. The ex-officials were even more emphatic, obviously they had more inside knowledge. We asked them why they did not state their views and their policy publicly, and the answer was, "We should all go to jail."\*

Referring to British sympathisers, a distinguished Indian said to us: "And when you get back to England, what do you think you can do to help us? We have had many English friends; Mr. Ramsay MacDonald was one. He sat at this very table. Like many of our English friends, he wrote a book, but did little more. His book was banned. He became Prime Minister, and you see for yourself India under his authority."

In the villages we found that it took some time before we could overcome suspicions. Children ran helter-skelter into houses, and huts, and the elders were cautious till they knew that we were not Government agents.

### Minority Views.

Maulana Shaukat Ali is not now a friend of the Congress. He told us, as he tells everyone, that he wants friendship with Great Britain. He also told us† that in his view the Viceroy was concerned about prestige, not peace, and that "he is badly advised by his officials. The officials in India have only one mind. . . . They only want people who obey their orders. They want their jackals and their creatures. . . . They have driven out all their friends."

Mr. Jamshed Metha, the gentle, cultured Mayor of Karachi, who maintains his independence of views and criticises his countrymen when he thinks them in the wrong, spoke to us about the aloofness of the English, their exclusive clubs and their attempts to "learn etiquette

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\* Some of the men who were sent to jail under the Ordinances are those who have held high offices under the British Government.

† We have full notes of an interview with the Maulana, and he expressed himself with great frankness that Britain was moving from blunder to blunder.

from books." He is respected by Congress and he has access to officials. He said sadly :

"I have been to the British officials many times. I have protested against the whipping of children. I have reported many cases of gross official misconduct. I protested against the jailing of the two women of 70 and 80, the flogging of seven boys, and the running down of people by an Englishman's car in the streets of Karachi at the time of the Governor's visit. . . . India is India to-day; to-morrow it will be Ireland, and the day after it will be Russia."

And he concluded that unless the British acted quickly and settled this problem

"in concurrence with our aspirations the opportunity will pass for ever."

### **Official Pomp.**

All the pomp and ceremony attaching to visits and movements of Governors and Viceroy's do not, as is officially believed, add to the estimation in which Indians hold the British Power. Educated Indians resent it. Sometimes attention to official convenience and prestige reaches ridiculous limits. To give instances :

Mr. Jadhav,\* an ex-Minister of Bombay and a member of the Legislative Assembly, pointed out, in the Legislature, at question time on the 21st September, 1932, that "motor traffic was stopped from 5 to 9 in the morning,"† and inquired whether the Home Member thought that "four hours is the least possible delay."

References had been made the same day to stoppage of traffic on roads when H.E. the Viceroy was travelling on the Simla-Kalka Road, and to the shutting up of Mr. Ghuznavi and half-a-dozen other members of the Assembly in a waiting room for several hours, that another member was held up on the road for an hour and three-quarters, and that still another member of the Assembly was ordered away from the platform by the police into the waiting room at Kalka Station and was locked up there.‡

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\* Mr. Jadhav is a non-Brahmin leader of Bombay and his party has been friendly to the Government. We met him in Poona and found that he held very strong views about the repressive policy of the Government, with which he is in disagreement.

† Five o'clock in the morning is not a very early hour in India. At six thoroughfares would be crowded.

‡ The Viceroy's train was not stopping at Kalka Station. It hurtled through, and members had to be locked up to allow the train to pass.

The answer to all this was that the Home Member had heard of it for the first time, that the Government had a special responsibility to protect the Viceroy, and that every effort "*is made to cause the least possible inconvenience to the public.*" (Italics ours.)

A Divisional Traffic Superintendent of the — Railway (who must remain nameless) told us that when the Viceroy is known to be travelling by train, it is customary for the railway authorities to round up gangs of villagers and station them as guards along the railway track. He said: "We put hundreds of them on this job; just drag them off their land or order the headman to do so, and make them do sentry-go. We never know just when the train is coming through. That is a secret, of course, for obvious reasons. So these villagers are kept on the go for many hours. Some of them are malarial and consequently drowsy. Others just go to sleep at night because they are tired. When the Viceroy's train came through my district last time about twenty-three coolies were decapitated by the trains—the Viceroy's and others."\*

### **Disregard of Indian Opinion.**

The resolutions and pronouncements of the organised Europeans, to which we have referred, provide some indication of the non-official European attitude to Indian sentiment and opinion. The references which we have made to interviews with, and remarks by, officials, British and Indian, contain indications of the official attitude and the differences in opinion privately held.

The indifference and disregard of the official side to even moderate Indian appeals and desires are best revealed in the proceedings of the Legislatures. Here again, there are individual differences. There are Government spokesmen, like Sir Harry Haig, who answer and debate with correctness, while there are others who combine a less faultless attitude with the same real disregard of the Indian "Opposition."

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\* While this report was in preparation, two railway servants were found cut to pieces near Delhi after the Viceroy's train had passed. First described as a "mystery," the tragedy was subsequently officially accounted for by the fact that as "guards" over the line they were drawn in on the rails by suction and so met their death (Press Reports).

## CHAPTER XXIII.

### SOME IMPORTANT POLITICAL ISSUES AND EVENTS.

" . . . You have not kept faith, and you have treacherously set community against community. You yield nothing to appeal or argument. When the war came and Mrs. Besant started the Home Rule movement we opposed her. She said that 'Britain's difficulty was India's opportunity,' but still having faith in British Governments most of us refused to act on her advice when she said it was our one chance to wring concessions from you. Mrs. Besant said then, 'I know my people and you don't.' She was right. This present period in India's history of torture and repression is one that I never believed, before I went through it, could possibly come under British rule. We know at last that we have to deal with the brute, and not with a human thing of heart and mind."

(Pundit Malaviya, in an Interview with the Delegation, October, 1932.)

"To-day we are just as ready as we have ever been to co-operate with all or any section of Indian opinion which is prepared to co-operate with us. But they must co-operate with us and they must also do so on the lines of the Government statement, which we have twice repeated. . . ."

(Sir Samuel Hoare : Speech in the House of Commons, 29th February, 1932.)

#### (I.) GANDHI AND THE UNTOUCHABLES.

**W**HILE we were touring the villages of Bengal, we heard that Mr. Gandhi had announced his fast in connection with the Premier's Communal Award, which provided for separate electorate for the Depressed Classes. In the Mahatma's view it was a dismemberment of Hindu society which he felt it his duty to resist with his life. The Premier's Award, however, stated that any agreed scheme submitted by the different communities could replace it, or any part of it which concerned parties to such an agreement.

This latter provision enabled efforts to be made in India to reach an agreement which would lead to a modification of the Award. It also threw on caste Hindus and Depressed Class leaders the onus of finding a way out which would save the Mahatma's life.

### **The Country Staggered.**

The announcement of the Fast moved India profoundly. The feeling was spontaneous and widespread. Initially, it staggered the people, who, however, soon rallied to effort, to hasten a settlement which would replace the Award. Leaders discussed details of a pact, while all over the country mass meetings, prayers, opening of temples, fraternisation with Depressed Classes and public recognition of their rights, attempted to bring about that change in public opinion and conscience which the Mahatma expected from the country.

At the same time, the contingency of the British Government refusing to recognise a pact, or adopting some policy which would endanger the life of the Mahatma, was also discussed. In Bengal, where we were at the time, these discussions were part of the activities that followed the announcement. We gathered that if such a development should arise, the Congress would consider calling on the country to intensify the Civil Disobedience movement and put into operation the full 1921 programme.\*

It is noteworthy that though the Mahatma had contemplated this step for many months and been in correspondence with the Government about it, and had finally communicated his intention to fast to death, when the Award was announced,† even Mr. Gandhi's close associates and confidants knew nothing about it. His secretaries in jail, who look after his correspondence, no doubt were aware of the prospect, but beyond the jail walls no one knew. It is characteristic of Mr. Gandhi's scrupulous observance of jail rules and obligations of honour.

### **The Poona Agreement.**

Very soon after the announcement of the Fast, Indian leaders assembled at Poona to discover avenues of a Caste Hindu-Depressed Class agreement. The Government relaxed the rules about interviews with the Mahatma in Yerawda Jail.

The Poona talks faced many deadlocks and were more

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\* See Chapter VIII. for details of 1921 programme.

† The correspondence between the Government and Mr. Gandhi was released to the press in India. Mr. MacDonald's reply, which questioned Mr. Gandhi's motives in regard to the welfare of the Untouchables, added to Indian resentment.

than once on the verge of breakdown, but, finally, agreement was reached and Caste Hindu, Depressed Class and National leaders affixed their signatures. The Bombay Government was informed of the terms of the pact, which it communicated to the authorities in London. The British Cabinet acted expeditiously and the Poona terms were accepted in modification of the Premier's plan as far as it concerned the Depressed Classes.

## (II.) UNITY EFFORTS.

The Poona Pact released a very strong All-India movement of social reform and Indian unity. The agreement was followed by a pledge by the leading Hindus, led by Pundit Malaviya, at a public meeting in Bombay, that they would now devote themselves to the abolition of Untouchability.\*

The momentum of the pact was not confined to the Hindu community alone. All-India Unity, as a result of agreement between Hindus, Mussulmans and Sikhs on the electoral plan for a future of India, was now sought with an earnestness which justified itself by results. The Pundit Malaviya, who, more than any other single individual, had contributed to the successful issue of the Poona conversations, never giving way to despair amidst the long day and night conferences, during the fateful week in Poona, made an appeal for Hindu-Moslem Unity.

### **Moslems in Conference.**

Maulana Shaukat Ali, the Moslem leader, responded to the Pundit's conciliatory moves. The conversation between the Pundit and the Maulana resulted in what the latter called a "large measure of agreement."

The Maulana, with the help of his friends, then called a Moslem conference at Lucknow.† The conference was representative of Moslem opinion. It included Nationalist and Communal Moslems, Khilafatists and other groups, and Provincial leaders. Maulana Shaukat Ali pointed out to us that he himself is an ex-President and now a Vice-President of the All-India Moslem Conference, and that the Lucknow

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\* A vast All-India organisation, with ample funds, was at once established. See Chapter X., sec. (IV.).

† Attended by leaders of all sections of Moslems except those in close alliance with the Government.

Conference was attended by twenty-eight members of the executive of that body and four of the principal officers.

The Lucknow meeting confirmed thirteen of the fourteen points of Mr. Jinnah,\* and left the fourteenth, the issue of Joint vs. Separate Electorates, to be negotiated with the Hindus.

### **The Unity Conference.**

An All-India Unity Conference was then called at Allahabad. When we left India the conference was still in session, but it had amply demonstrated that the determination to achieve Unity had definitely emerged.

Maulana Shaukat Ali, who was coming to Europe to fulfil some engagements, travelled on the same boat as we did, and discussed with us the Unity position at length.

About Allahabad he said :

"I never saw such good will as at Allahabad. There has been no news sent to me to this boat about any breakdown. There will not be any. Quite possibly no specific result may have yet been achieved. That will not worry me. Nothing can stop us all coming together. It may be now, or a few weeks ahead, but it must come. It may be months, but the important thing is it must come. . . .

" . . . When we met at Allahabad we realised quickly that we had been fighting over nothing. We shall reach agreement. We are already clear of one thing, and that is that Britain must yield and give us the honourable peace we want. Where to-day are her pledges and promises? So far she has given us only a rattle, a bauble to play with. Now we want the real thing, and if Britain will come to a proper settlement she can have our friendship in the future."

Since we left India these Unity efforts matured, and in an agreement drawn up, the All-India Hindu-Moslem problem has been settled. The document, which was cabled out to The India League after our return, shows that on many difficult points compromises had been reached. The Allahabad agreement bears the impress of constructive statesmanship and consummate skill in mutual adjustment.

### **Agreements Reached.**

The problems that are still outstanding are mainly of a Provincial character, relating to Bengal and the Punjab, and the main difficulty in the way of Unity is that the political

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\* See Chapter X., sec. (II.).

issues with which the communal settlement is related are now being settled by the British Government without the co-operation of real Indian opinion. False values are thereby being conferred on opinions expressed by "representatives," while those who have the power to cement a real agreement amongst the communities are sabotaged. British policy is suspected of exploiting these wrangles and of raising Provincial issues to the status of major problems.

### **India Must Decide.**

Allahabad, and after, has shown that in India and in India alone, and by the efforts of her own people and by their initiative and judgment, Indian political Unity can be achieved.

Our discussions with Congress leaders, National and Provincial, impressed on us the fact that these men and women, engaged in a campaign of Direct Action to obtain recognition of their claim to speak for their people, to demonstrate their solidarity and to protest against conditions which they regard as intolerable and humiliating, are equally concerned with the problems of peace and settlement.

### **(III.) CONSTITUTIONAL ISSUES.**

Indians that we met, whether they be Liberals, Independents or Congress, had little faith in the Round Table Conference discussions or the legislation that would follow it. Viewed from India, these discussions at Westminster appeared so unreal and so little connected with Indian settlement.

### **The Round Table Conferences.**

Neither Congressmen nor Liberals nor Independents have, however, any doubts that Great Britain has the power to impose a Constitution on India. In Liberal calculations this element, of the power of the Government, weighs more than the merits of the Constitution itself, and their policy, therefore, naturally tends to seek improvements in the proposed legislation. The extent to which counsels of reaction have asserted themselves in London and in the Government of India have, however, made these moderates despondent. While they still refuse



to subscribe, even in theory, to Direct Action, they are even less hopeful of the power of constitutional persuasion. When we were in India, Liberal opinion was not being consulted by the Government on the Round Table Conference issues. At the Third Conference the Liberals were not represented, and they have not laid evidence before the Joint Parliamentary Committee this year. The net result is that constitution building is now a matter for the British Government and those whom it chooses to hand-pick for its various conferences and committees. It is to be noted that at each conference the personnel of the choice varies and those who were *persona grata* at one time cease to be so in a few months. Whoever is invited by the Government, however, becomes a "representative" of India or some section of "important" opinion.

### **Council Entry.**

While it is admitted that Great Britain can impose and implement its constitutional measures, few believe that such a constitution will work or bring about a solution of the Indian problem. In this context, and with the proposed extension of franchise and the prospect of a comparatively early introduction of the new Legislatures in the Provinces, the problem of "council entry" becomes a very important one. Knowing the differences that have obtained in nationalist circles on this problem,\* we discussed it with Congressmen and their national and Provincial leaders. No one was disposed to dismiss it as unimportant. Even the "no changers" of 1924 regard the question as one for consideration on its own merits. Congress to-day can capture the Legislatures even on the existing franchise; on an extended one, on present calculations, they should sweep the board in almost every Province. Younger Congressmen are not disposed to place the powers of propaganda and legislation (for coercion) that these bodies may have in the hands of their opponents. They are also not oblivious to the use to which they can be put, to bring the Government to terms. They are also equally aware of its limitations. While giving council entry

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\* In 1923, this issue was a bone of contention between two sections within the Congress. The pro-Council party, led by the late Pundit Nehru and C. R. Das, were called pro-changers (afterwards Swarajists), the others, no-changers.

this much consideration, the general Congress view is that it is not a question which needs to be thought of just yet.

It would, however, be a mistake to interpret any discussions on, or decisions in favour of, council entry by Congress, as an indication that it believes in the Constitution that is now being discussed at Westminster as in any way satisfactory to it.

### **Safeguards.**

Indian opinion is agreed that British policy aims at withholding real power, while it concedes some forms of representative institutions. Thoughtful men, some of whom have been members of Governments and Ministers, drew our attention to various items in recent policy in support of their contention.

The proposed "safeguards" are looked on as the safeguarding of British interests and power in India, to the detriment of Indian interests.

### **Federation.**

Federation, even though it was accepted in the Irwin-Gandhi Truce, is now looked on as a dilatory device. Indian opinion is not averse to a Federated India, but what it is more keen is, that there should be, very soon, a really self-governing India. Federation, as a step in that direction, would be welcomed; even as a price for Responsibility it would be accepted, but as a device to "temper" Responsibility or to render it sterile, it does not deceive anyone in India.

Among the younger Indians there is considerable hostility to the Federal plan, in which the essentials of a federation do not exist, but which brings into Indian affairs the influence, control, or interference of Indian Princes or their nominees, and at the same time leaves them as rulers of autocratic States. The younger element is not afraid that the Indian States will stay out of a free India, and they regard unification under national freedom as inevitable. The present "Federal" plan, in their view, is a device to stave off real unity, to fetter and sterilise responsibility. The inclusion of the States is a device to provide a make-weight against popular opinion, which may find expression in the Federal Legislature.

### **Indian Fears.**

Another point to which our attention was drawn was that British policy in recent years, ever since the Montagu reforms, has aimed at taking out of the sphere of the Government great spheres of administration, so that when in the future the Legislatures obtain control of the Government, they will find that important spheres of administration which affect the life of the community are outside the reach of popular legislation.

As instances, we were referred to the Railway Board, the Tariff Commission, the proposed Reserve Bank, and so on. Vital economic and political questions and political issues affecting the safety and integrity of Indian territory would, if present policy continues, be placed in the hands of "Statutory" bodies, over which self-governing India will have no control. Tariffs and Railways, the control of Exchange and Currency, are recognised by thinking Indians, as by intelligent people of any other country, as vital elements in the control of the State and the life of the community.

### **The Reserved Sphere.**

In addition to these there are the spheres of administration which the Crown proposes to reserve to itself, such as Defence and Foreign Affairs, and vast powers of veto, certification, and autocratic legislation.

On all these points there is very little difference between Congressmen, Moderates, and other independent groups.\* They all want the substance of power transferred to Indian hands.

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\* Extreme sectarians, Loyalists and creatures of the Government are, of course, not included in this statement. Even amongst them there are many whose real sympathies are with the majority view that we have stated.

## CHAPTER XXIV.

### A GENERAL IMPRESSION.\*

"Eighteen months ago things were in a mess. I will guarantee that conditions are to-day a hundred per cent. better than they were then, and I go further and guarantee that the people of India are a hundred per cent. happier—now that they can be sure of protection and liberty to go about their business as they wish."  
(His Excellency the Viceroy in an interview, on 13th October, 1932.)

See p. 463.)

"Bitterness has increased tenfold and suspicion and distrust of Government is not peculiar to Congressmen but is shared by non-Congressmen. . . ."

"I am absolutely certain that the sentiment of the people is decidedly anti-Government, and I have no doubt whatsoever that if Congress should decide to contest the elections they will sweep the board nearly everywhere."

(Sir Tej Bahadur Sapru.)

IN the towns and cities we came across a variety of diverse opinion. The differences amongst sections appeared largely to centre round the question of the distribution of power among them under *Swaraj*. In the desire for Self-Government and in the opposition to repression and Ordinances there was unity. This unanimity has made a deep impression on us. We also came across Indians who echoed the official views and repeated official phrases. Every section but this has ceased to believe in the *bona fides* of the British and Indian Governments. This absence of any confidence in Britain was specially marked in the case of moderate men who had held responsible positions under Government. The differences amongst sectional leaders with regard to details did not prevent them from telling us that the Congress was the strongest political party in the country; it would win hands down in any free election, and that without its co-operation no constitution can be worked satisfactorily. Even officials shared this view.

In the villages, we saw the India of the masses of her people. We are appalled at the poverty of the Indian villager. The Indian village is the home of stark want.

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\*Extracts from a statement issued by the delegation in Bombay on the 7th November, 1932.

Go where you like in India, it is the same story of crushing taxation, rackrenting uneconomic agriculture, indebtedness, illiteracy and starvation. The landlord and the Government thrive on the fat of the land and neither of them contributes anything to the welfare of the village. The Government provides no health or sanitary services, no roads, no lights; indeed, nothing that benefits the villager. In some villages we saw a post office and a District Board school, which in normal times are the only evidence of *British Raj* in the village. To-day, under the Ordinances, Police, special, punitive, plain clothes, officers and men are a feature of these villages. Whether the police in the village are called punitive or not, in every case in effect they are a coercive force which menaces the security, peace and happiness of the villager. We found, in the most inaccessible villages, armed police, police encampments and an altogether excessive display of the coercive power of Britain, obviously intended to terrorise these villages.

The Indian villager, in our experience, belied the stories about him that are so common. He is not apathetic, nor is he ignorant (though illiterate). He is fully aware of his plight and its economic and political causes. He is no admirer of the *British Raj*. He knows that the fight for *Swaraj* has to be carried on till it is won. He looks on the Congressman as his friend. Indeed, in these villages a Congressman or volunteer is always welcome, every house, except that of Government loyalists, is open to him and he retains the affection of the people. The Indian village is a homogeneous unit. It has a voice which covers Hindu and Mussalman, and farmer and labourer. It is prepared to fight and suffer or make compromise as a whole. The subtle arguments and the distinctions which obsess the town politician do not agitate the villager. The women-folk, old and young, particularly in Hindu areas, are conscious partners in the awakening of the village, and it is this that lends to the resistance put up by the village much of its strength. The village, again, supplies the Congress movement with much of its fighting material, and its tenacity of purpose is very great.

It is often stated in England that the masses of the Indian people who are villagers are unaffected by the Ordinances. Our experience challenges this assertion. Punitive police for which the villagers have to pay, special police and

revenue officials, make the life of some of these villagers unendurable. Property and home are not inviolate. In removing or destroying property the official side violates even such law as obtains under the Ordinances. Fines and exactions both legal and illegal oppress the villager. Police help themselves to the villagers' goods. Landlords, aided by Government, break up homes and destroy property. Apart from this the Ordinances suppress educational and other social service institutions which do not participate in political work, and smash up their property. We have come across cases where hospitals and schools have come under the Ordinances.

If we are to take the special cases of the No-rent villages in Bengal, Assam, Gujerat, Canara, and other areas, the state of affairs that obtains can hardly be described as consistent with civilised administration. When every allowance has been made for the right of a Government to collect its dues, or to maintain law and order, it will be found that a great deal of what goes on will still have to be classed as vindictive and irresponsible policedom aimed possibly at terrorising the villagers into submission. Against this form of oppression the villager is becoming increasingly resentful. In a district like Surat severe repression and police excesses have crushed the peasantry, but they have not instilled in them a love of the *Raj*. Discontent has grown, the iron heel crushes, but does not conciliate. The District officials are out of touch and out of sympathy with the real village. Some of them assert that they are liked in the village and adduce as evidence the collection of people who are present when on occasion they have turned up in a village. Others point to the figures of land revenue, but the fact that the land revenue is forcibly realised, at least in part, is not often stated.

In every village in India Gandhi's name was known and revered. In Gujerat, Sardar Vallabhbhai Patel, and in the United Provinces the Pundit Nehru are household names. Their imprisonment has only added to the affection in which they are held and increased their prestige.

*The Indian Police.*—The diehards in the House of Commons often agitate for higher pay for the Indian Police. They see in the Police the real bulwark of their hold on India and are anxious to ensure the loyalty of the Force.

We think, and most Indians would agree with us, that higher pay and better conditions for the Police in its rank and file are an essential reform. Indeed, it is one of the most disturbing factors of the present situation that they are an ill-paid, ill-disciplined and ill-educated body of men holding in their hands (even in the lower ranks) very wide powers which place the liberty, property and self-respect of innocent people at their mercy.

We had not understood what the expression *Police Raj*, which we have heard used so often, meant till we came to India and saw it in action. The Police are a law unto themselves. Petty officials exercise very wide powers which are freely used. The statement that in India "the police beat first and inquire afterwards" is only partially true to-day, as there is no necessity for any inquiry. The Ordinances have destroyed every safeguard against police oppression, which obtains all over India and is by no means confined to the ill-paid ranks of the Force.

Police methods are cruel and *vindictive*. Men are beaten inside lock-ups; brutal force is used in "dispersing" resisters (often only one, as in the case of picketing), under-trials are starved in lock-ups, and property is appropriated or destroyed. Vulgar abuse and the infliction of humiliation and violent assault are pretty common. It is difficult to understand why force should be used at all in effecting arrests of civil resisters, as it is admitted that they neither resist nor evade arrest. In any case, beating-up or *lathi* charges, or kicks and bullying preliminary to, or instead of, arrest, is a wanton piece of brutality. One explanation to us was that such methods were more effective and cheaper than arrests. The explanation carries with it its own condemnation. Another gross abuse that appeared to be widely prevalent was the practice of allowing the police to buy, directly or indirectly, goods that had been attached or confiscated.

*Jails.*—We had great difficulty in obtaining permission to see jails, and had to take refusals in several cases. The total number of jails that the Delegation saw is eight. We have, however, collected evidence from ex-prisoners in different parts of the country. We have no doubt in our mind that ill-treatment of political prisoners is widely prevalent. Even the jail code is not observed by the

officials, who impose several penalties for the same jail offence, though the code allows only one at a time. Solitary confinements, different kinds of fetters, flogging, unofficial beating and kicks, the oil mill, and humiliating treatment are among the methods which jail authorities use against political prisoners. The majority of the prisoners are in "C" Class and treated as common criminals. Their warders are criminals. The quality of food varies from jail to jail. Some of the food we have seen is dirty, deficient and quite bad. The news recently published about beating in the Nasik Jail does not surprise us. The practice is not confined to Nasik. Rae Bareilly, which we saw, provided enough evidence that the practice of beating by jail officials was prevalent there.

*Officials.*—They were willing to listen to us, but their attitude was uncritical of excesses. The Ordinance mind pervades the administration. If a bureaucratic form of Government is bad, a bureaucracy ruling by Ordinances is a serious menace to the most innocent of people. There are district officials who recognise that excesses are going on and some who even regret them. Even these latter, however, do little or nothing to check abuses and excesses. We think that the Ordinances are responsible for this indifference to wrong-doing which appears to have affected even the better class of official.

We wish to place on record that officials have everywhere been kind enough to give us interviews and talk to us with comparative informality. We discovered that while a good many of them were well up in figures and statistics (especially in the Districts), they were entirely out of touch with the sentiments and feelings of the people. We can say without exaggeration that the officials we met, British and Indian, were out of touch and out of sympathy with the masses of the Indian people. Their will is effective not because it echoes the will of the people, but on account of the force they are able to command, irrespective of popular will.

*Hindus and Muslims.*—No statement about India would be complete without a reference to the Hindu and Muslim problem. Briefly, we found that in the villages the communal feeling was non-existent. Even in places where one of the communities was in a small minority it exhibited no



fear of the majority. The phrases and fears with which Hindu, Muslim and Sikh leaders made us familiar in the towns seemed strangely unrelated to the life and consciousness of the villages of India. The village, as we said before, thinks as one and its voice and consciousness cover Hindu and Mussalman. In the towns we found that there were differences which in some cases were acute. It is not, however, true to speak of a homogeneous Hindu opposition to the homogeneous Muslim claim, or *vice versa*, as there are shades of differences in the groups in the communities themselves. The younger section of the Muslims are supporters of the Congress, and even among the so-called communal section the feeling of nationalism is very strong, the differences with the Congress and the nationalist Hindus being on points of detail. It is not true to say that the majority of the Muslims in India are supporters of *British Raj*, or that they are opposed to Self-Government.

During our stay here we have seen the bulk of Hindu and Muslim opinion earnestly endeavouring to come to terms. After the Poona Agreement the will to agree has emerged.

*The Untouchables.*—During our stay here we saw India as a whole moved by the fast of Mahatma Gandhi as a protest against the British Communal Award in relation to the Depressed Classes. It released forces which moved even the British Government. We have seen in the villages impressive evidence of the results of Mr. Gandhi's stand against untouchability. The moral prestige of Mr. Gandhi, and the democratic awakening that remains unsuppressed even under Ordinance rule, are breaking down the rigours of caste and custom. The political significance of the Poona Agreement, to our mind, is that any settlement of Indian problems that is really worth while must be made in India and not at Westminster or Whitehall.

*The Future.*—It is admitted even by high officials that repression by itself will not allay discontent. Officialdom claims that the Government is making a genuine effort at substantial constitutional advance and dwells on the immensity of the changes that will take place when power is transferred in the Provinces. It is held that when the Round Table Conference has concluded its work and produced a constitution there will be peace. We ourselves

entertain no hopes and no illusions in this regard. In our view peace will emerge only when the present policy is abandoned and the Congress and Mahatma Gandhi are brought into effective co-operation for the purpose of a settlement. All other methods will fail. It is inconceivable that this country will settle down to work Great Britain's constitutional gift when her trusted leaders, with thousands of their following, are in prison and the voice of the people is either stifled or suppressed.

We regret that the Government persists in its mistaken view that coercion will crush a people. The way of looking at the nationalist movement as an evil which must be put down, of demanding a surrender from Mahatma Gandhi and of excluding from Government discussions anyone who is likely to disturb Government plans, is bound to fail. It is a tragedy that the Viceroy's Government is by its policy blocking every avenue to real peace. The refusal to allow even co-operators like Mr. Jayakar, Sir Tej Bahadur Sapru and Maulana Shaukat Ali to interview Gandhi in prison is an act of belligerency against Indian nationalism which will soon defeat itself. The Government of India refuses to allow any bridge to be built across the present gulf. It is enforcing a blockade on Indian nationalism. In the face of such a policy it is little wonder that no Indian trusts British *bona fides* or believes in declarations of good intentions.

. . . . .

We are leaving an India which has seen ten months of Ordinance rule. The Ordinances were originally meant for three months, and now the Government finds it necessary to give them statutory permanence. No better proof of their failure is required. Ordinances have only produced more of them and more discontent. The volume of resentment and discontent—however expressed—has grown. The sufferings of the common people have been great, but they have borne them with a courage and endurance which has stood the test of savage repression.

We also leave an India that is not merely fighting the foreigner but setting her house in order. The great effort at unity at Allahabad is a landmark in India's history and, whatever its result, we are satisfied that the determination to agree is now a powerful factor in Indian political life.

We have also seen during our stay that Prime Ministers' Awards and imposed settlements can be effectively challenged by Indian determination and replaced by Indian agreements.

We have also seen that the British officials in the country are sensitive to British public opinion, though they appear to disregard Indian sentiment. In many places that we have visited the officials have tried to keep the police in restraint during the period of our stay to avoid our seeing the Ordinances and *Police Raj* at work. In some cases they locked up possible agitators for some days to prevent "clashes." The authorities, in many cases, arrested or beat up people who were coming to give us their views and experiences. Police followed us even into private houses, apparently to intimidate witnesses by their presence. The concern shown by the officials in this respect is a hopeful sign. Public opinion in England will not be content to remain quiet in the face of the material that we propose to place before it. We are conscious of our difficulties and of our own limitations. But with good wishes and the support of friends of liberty, Indian and British, we hope to be of effective use.

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## CHAPTER XXV.

### THE DUAL POLICY RE-EXAMINED.

"If your peace be nothing more than a sullen pause from arms, if their quest be nothing but the meditation of revenge where smitten pride smarting from wounds festers into new rancour . . ."

EDMUND BURKE.

" . . . a severe inspection of ourselves, a purification of our own offences, a lustration of the exorbitances of our own power . . ."

EDMUND BURKE (in relation to British administration of Indian possessions).

#### (I) LAW AND ORDER.

**W**E saw India towards the end of the first year of Ordinance rule. The rigour of the repression and the strength of the resistance were engaged, in what seemed to us, a prolonged conflict. It was the declared policy of the Government that there should be no negotiation with "lawbreakers," whom it still hoped to bring to heel and to a realisation of the evil of their ways, by continuing its measures of "firmness." It may be recalled here that the Ordinances were originally promulgated for a period of six months and also that the authorities had then expected that a three-month period of their rigorous application would achieve the results they desired. It was claimed in the early months of 1932 that the initiative was now with the Government\* and that the Congress was on the run, a claim that has been maintained ever since. In June, 1932, when the Ordinances were about to expire the spokesmen of the Governments of India and Great Britain admitted and argued that the "emergency" still continued and that the powers taken under the Ordinances were still necessary. A second six-month period of Ordinance rule was therefore sanctioned.†

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\* Parliamentary Debates, Vol. 267, No. 120, col. 1491.

† Cf. Chapter VI. on legality of the renewal.

The continued application of Ordinance measures and policy did not, however, lead to the prospect of a return to normal conditions as was the avowed hope and desire of the authorities. With practice, however, the Ordinance technique became more perfect and resistance proof. But the "emergency" persisted and showed no signs of coming to an end. When we were in India (8 to 11 months after the first promulgation of the Ordinances) the Government, instead of being engaged in preparing to return to normal conditions, was seeking to incorporate the essential provisions of the Emergency Powers Ordinance into the Criminal Law of the country.\* It is obvious, therefore, that the Ordinance method did not help to terminate the emergency but has only made it chronic. What were initiated and claimed as justified emergency measures and methods now obtain as normal practice.†

### Reasons and Aims.

In the preceding pages we have given a picture of the "Law and Order" aspect of the Dual policy in operation during its first year. Another year has now passed, and it is legitimate to make a comparative study of the aims and achievements of this policy and to assess its results direct and indirect.

### Reasons for the Policy.‡

(1) The Congress refused "to co-operate further in the constitutional discussions.

(2) It pronounced the declarations of the Prime Minister to be unsatisfactory, "and demanded free scope for its campaign of independence."

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\* Mr. H. G. Haig stated the Government's view of the powers that it wanted when he said: "I must make it clear that Government would not be prepared to accept as fulfilling the object of this Bill any pale shadow of the provisions which we have inserted. We must be satisfied that the essential power is not impaired."—*Assembly Debates*, 30th September, 1932, page 1673.

† When the "Ordinance Bill" was introduced, no time limit to its operation was provided, and Mr. Haig stressed this point, implying that the powers should be conferred for an indeterminate period. (See *Assembly Debates*, 21st September, 1932, pages 1131 and 1132, for the official attitude on this point.)

‡ Cf. Government statement issued at New Delhi on January 4th, 1932.

(3) Civil disobedience was declared by Gandhi as an inalienable right especially when they (the people) have no effective voice in the government.

(4) Civil disobedience as practised by the Congress was intended to paralyse the government and to inflict the maximum harm on them regardless of the loss that it may entail to private individuals.

(5) It was necessary to oppose a movement (Civil Disobedience) which would make constitutional advance impossible.

(6) It was necessary to hand over to the "new Order" a working administration.

(7) Respect for the law, whatever the government may be, must be maintained.

(8) Large sections of the public deny the authority of the Congress and oppose its pretensions.

### *Aims of the Policy.*

(1) To bring the Civil Disobedience movement to an end and to provide against the revival of similar activities.\*

(2) To show that Civil Disobedience is a discredited weapon.

(3) To wean the people from the support of the congress.†

(4) To suppress terrorism in Bengal.

(5) To suppress the boycott of British goods and the activities allied with it.

(6) To prepare the country for "co-operation" and the new constitution.‡

(7) To instil respect for law and to maintain order.

### **Change of Objective.**

The reasons and the aims of the strong hand policy which we have summarised must now be judged in the light of events and results. But before doing so it is necessary to observe that while the authorities embarked on the repressive regime to combat Civil Disobedience, to meet an "emergency" their avowed aim changed in the course of the year. Government spokesmen asserted that the powers taken must continue to vest in the government in

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\*Viceroy's address to the Legislative Assembly, September, 1932. These aims are repeated in other pronouncements.

† But in my judgment we must prove to the people that civil disobedience is not a panacea for political problems. We must show them that it is a discredited political weapon and we must endeavour to break that faith."—Mr. H. G. Haig, *Assembly Debates*, 30th September, 1932, page 1672.

‡ Cf. Mr. H. G. Haig, *Assembly Debates*, 1st November, 1932, page 2091, and 30th September, 1932, page 1671.

order to prevent a recurrence of the "emergency." Speaking in the Legislature Mr. H. G. Haig said :—

" . . . it is not sufficient that the powers should be in existence merely until the civil disobedience movement ceases but that they should be available—*without the odium that naturally attaches to the issue of an Ordinance\**—in case that movement or a similar movement is revived. When the civil disobedience movement ceases the ideas may be dormant, but they will not be dead."†

Further light is thrown upon the minds that shape policy in Mr. Haig's reference to objectives. He said :—

"It is when the system of government that has been in force for many years begins to reform itself or to transfer its powers to others that the forces of revolution tend to gather strength. I think that it is a fair reading of those tremendous upheavals known as the French Revolution and the Russian Revolution. . . . We need at such time the authority of government unquestioned if you are to avoid the danger of an upheaval in which property and parliament alike disappear. We have in India a triple threat to peaceful progress, civil disobedience, Communism and terrorism, and though the main provisions of the Bill are directed against the first of these, I hope the House will not forget that the provisions relating to the press will exercise a strong controlling influence over the movements of Communism and terrorism."

How far have the causes which the repression sought to remove disappeared? How far have the aims of the "firm rule" policy as set out here been achieved by its operation?

### Reasons Re-examined.‡

Any realist observer of the Indian situation as it is to-day will admit, and no one will seriously challenge the admission, that :—

(1) The Congress (and its allied groups) is as unwilling to-day as it was in 1932 "to co-operate further in constitutional discussions."

(2) The Congress (and even some of those who disagree with it) regard and reject the Premier's declaration as unsatisfactory.

(3) The Congress demands to-day as it did in 1932 "free scope for its campaign of independence."

(4) Gandhi's views on Civil Disobedience as an inalien-

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\*Italics ours. Explains why, after nearly a year, Government sought to cloak Ordinance powers with statutory forms.

† Mr. H. G. Haig, *Assembly Debates*, 21st September, 1932, page 1131.

‡ Compare this with the reasons as stated on pages 502 & 503.

able right remains unchanged, and what is more, he succeeded even as late as the autumn of 1933 in persuading leading Congressmen to accept his view ; also the objective of Indian nationalism in relation to British authority remains unchanged.

(5) The repression has not assisted in facilitating the discussion or the introduction of the measures of constitutional advance.

(6) What may be handed over to a "new order," when it materialises, will be a regime that has habituated itself to crush democratic forces and criticism.

(7) Respect for "law" in the context of political affairs is practically non-existent in India to-day. Even if "law" is regarded as entirely synonymous with its sanctions, what remains is not "respect" but fear and a sense of despair in the face of superior power.

(8) There is no evidence to show that in spite of the suppression of Congress organisations the moral prestige or the loyalty that Congress commands has appreciably diminished.\*

### **Aims not Achieved.**

An examination† of the achievements of the repressive regime equally points to its failure :—

(1) Measured by the numbers that go to jail the civil disobedience movement shows appreciable weakness to-day. As a mass movement it now stands suspended, but even those who urged its suspension decline to surrender the right to disobey. As an insurance against its recurrence the strong rule policy has been a complete failure since the ordinances created offences which even those who were not congressmen felt bound to disobey.‡

(2) Some intellectuals and some of the younger men are, to-day, critics and opponents of civil disobedience, but the

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\*This is not to disregard the differences of points of view within the Congress or the fact that fear has cowed down some of its former active adherents.

†Compare the achievements of the repressive policy with its aims as set forth on page 503.

‡Mr. Gandhi pointed this out when he was arrested soon after his release from Yerawda once last autumn, for disobeying an order to leave Yerawda village.



majority of such converts have been forced by repression into lines of thought, and probably allegiances, which, at any rate from the Government point of view, represents no improvement in the position.

(3) In many places in India people are cowed down by fear, while in other cases fatigue and the need for a respite have set in. Active adherents of Congress have therefore decreased. It is, however, difficult to estimate the size of the following of the Congress since all its machinery is illegal. The prestige of the Congress is still high with the masses and split away movements appear to be confined to leaders without a following.

(4) Terrorism in Bengal presents a more acute problem to the government than ever before. Incidents in other parts of India indicate that repression has forced the spread of terrorist activity to other parts of the country. The measures adopted to crush it, mass intimidation, police and military terrorism and wholesale persecution have only made the situation worse.

(5) Picketing, boycott propaganda and allied activities have appreciably diminished, but the boycott itself continues.

The repression may not have yielded the expected results but its consequences have been both marked and deplorable. Where it has by its sheer severity maintained "order" as in some villages in Gujerat and the U.P. the people as Mr. Gandhi pointed out have been cowed down by police terrorism and pillage. The younger men and some of the elders among the leaders have been driven away from the belief in non-violence as a serviceable shield against police oppression and official severities. To meet the insistence of an awakened mass the authorities have mobilised on their side all the forces of reaction, social, political and religious. "Law and order" has therefore meant the triumph of reaction in every form. At the same time the government and its servants appear to have become panicky everywhere ; panic breeds official excesses which in turn create more discontent and more panicky measures to meet them. The press is still gagged and public meetings are still largely prohibited.\*

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\*One of the meetings prohibited in this way was a condolence meeting of which Sir Tej Bahadur Sapru (now a Privy Councillor) was a convenor.

The opposition remains outlawed and their organisations illegal and strictly prohibited and police surveillance is widespread. In certain parts of India, as in the villages of Bengal, soldiers have been quartered and the policy adopted is one of terrorisation of the people. The methods of compelling respect for law would be best understood from the following document, which is a copy of an Order issued in Contai.\*

#### NOTICE.†

.....  
(Name of Person)

Vill..... Thana.....

Notice is hereby given that the Royal Garhwali Soldiers will be coming to Contai at 3 p.m. on 16.12.33. You are therefore directed to be present at the Contai Dak-Bungalow Compound at 3 p.m. and to welcome them and salute the British Flag. 15.12.33.

Sgd.....  
S.D.O. Contai.

Such is a brief resume of the consequences of the repression. Can we look on it and say that it is a triumph for the cause of law and order ?

#### (II.) CONSTITUTIONAL ADVANCE.

The authors of the "Dual Policy" have always claimed that "constitutional advance" is its essence and its prime factor. Indeed, the maintenance of "law and order," they claim, is but a necessary corollary and prelude to it.

The preceding pages of this Report have, in the main, been devoted to the examination of the first aspect of the Dual Policy in action. This is not to give it a disproportionate importance. The scene of the second aspect, "Constitutional Advance," has not been India, but London.

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\*Contai is in Midnapur district and the existence of terrorist activity in the district is the apparent excuse for such measures. The notices are served on congress workers and other members of the public.

† This copy was sent to us by a friend from India in December, 1933. We have also received signed statements of the treatment meted out to people by soldiers, under orders, to those who refuse to salute the Union Jack. The practice seems to be to beat them, take them away to the military camp and beat them again and release them next day. The beatings are witnessed by hundreds of villagers.

In India, as we have already pointed out, all these constitutional discussions have an air of unreality which makes such an indelible impression on one's mind.

The Round Table Conference, the White Paper, and the proceedings of the Joint Parliamentary Committee, cover and exhaust the "Dual Policy"—in its second aspect—to date. It is important to remember this, as the "Dual Policy" in India excludes conciliation.

### **No Conciliation.**

The Governments of India and Great Britain have expressly set their faces against negotiations with, and conciliation of, those with whom it finds itself in conflict. It has barred and prohibited every attempt, and rejected the suggestions of intermediaries, in this direction. It has repeatedly declared that it will not countenance, encourage or permit any such effort, or give opportunity for such, by a third party, such as the Indian Moderates. Speaking in the House of Commons on the 29th April, 1932, Sir Samuel Hoare said :—

"I have also been asked whether the Government propose to take any steps, for example, by using an intermediary, to secure the co-operation of Mr. Gandhi. . . . There clearly cannot be any question of co-operation with anyone associated with civil disobedience. If Mr. Gandhi shows a disposition to restore the relations which existed at the Round Table Conference, he will not find the slightest difficulty in conveying that fact to the Government without any intermediary. The Government will consider the position thus created, but one thing is quite clear, that there will be no question of making a bargain with Congress as a condition of its co-operation."\*

### **Government's Terms.**

The Secretary of State has also repeatedly announced the conditions on which the Government would offer co-operation :—

" . . . we were ready to co-operate with anyone who was ready to co-operate with us, but not on any account are we going to enter into negotiations with people whose objective is still to smash the foundations of ordered government. The door is open and it will remain open for those who wish to co-operate, but, as I have said, we can on no account begin bargaining and negotiating with people who still show no signs of wishing to

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\* *Parliamentary Debates*, Vol. 265, No. 84, col. 784.

co-operate with us. . . . Let them make it clear that they are prepared to co-operate with us upon the lines of the White Paper and we shall not be slow to co-operate with them.”\*

Negotiation was, therefore, to follow acceptance of the Government's conditions and co-operation with it, and not precede them. Sir Samuel Hoare has also repeatedly announced that the Congress must accept the two White Papers, i.e., it must accept the Premier's declaration about the goal of present constitutional advance† and the Government's method of attaining it‡

### Mr. Jayakar Fails.

In India itself, interviews with Gandhi by friends of the Government were prohibited, and officials in India told us that they did not want any impression to get round that Government was allowing or countenancing negotiations.§

At the end of Mr. Gandhi's fast, there was hope in India that the Government would countenance efforts at negotiation. Mr. Gandhi's utterances at the time also encouraged such a belief. But the Government barred the way to negotiation again. Mr. Jayakar, who was interesting himself in this, was not allowed entry into Yerawda Jail, though till two days previously he had been calling there two or three times a day to discuss the terms of the Untouchability negotiations between the Caste Hindus and the Depressed Classes.

### The Content of the Policy.

Repeated official utterances here and in India also show beyond doubt that the second aspect of the Dual Policy was not a general one, aiming at negotiations with the Government's opponents and seeking co-operation with awakened Indian nationalism, but it referred exclusively to the Round Table Conference, and its sequel. Mr. Haig expressed the official mind on this point when he said:—

“With those who are pursuing a policy which is clearly at variance with the interests of the country, which is destructive

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\* *Parliamentary Debates*, 27th June, 1932, Vol. 267, No. 120, col. 1608.

† White Paper issued on 1st December, 1931; also cf. Premier's Speech, *Hansard*, Vol. 260, No. 20.

‡ The Constitutional proposals.

§ This was one of the reasons given to us, in conversation, for not allowing us or anyone else to see Mr. Gandhi in jail.

of the foundations on which not only this Government but any Government must rest—with people who are pursuing such a policy we cannot co-operate. But is there no proof of co-operation, is there not co-operation, and full co-operation, going on in London at this moment at the Round Table Conference in the framing of a constitution? . . . ”\*

### **The Round Table Conference.**

Our examination of the constructive aspect of the Dual Policy is thus narrowed down to the Round Table Conference and the White Paper. A detailed analysis and study of the present constitutional proposals is beyond the scope of this Report; our task is to review the “constitutional advance” policy (a) in relation to Indian sentiment and opinion, (b) as a process of co-operation and consultation, (c) as a means of resolving the difficulties in India expeditiously and satisfactorily.

### **Indian Opinion.**

Indian criticism, Moderate, Congress and Sectional, of the Round Table Conference and White Paper proposals leave the constitutional policy of the Government with hardly any Indian political support. For the purposes of this chapter the Indian reactions to the second aspect of the Dual Policy as such, apart from its details, is more significant, and it cannot be better expressed than in the words of Mr. Gandhi to the Viceroy in his telegram of the 1st January, 1933 :—

“In my opinion constitutional issues dwindle into insignificance in the face of the Ordinances and Acts, which must, if not met with stubborn resistance, end in utter demoralisation of the nation. I hope that no self-respecting Indian will run the risk of killing the national spirit for the doubtful contingency of securing a constitution to work which no nation with stamina may be left.”†

The Indian Liberals, who form the co-operating section of Indian nationalism and the intelligentsia do not view the constitutional proposals with any greater favour. In a memorandum on the White Paper they say :—

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\* *Assembly Debates*, 7th December, 1932, page 3,051.

† Cf. speeches of members of the Indian Opposition in the Legislative Assembly on the Debates on the Criminal Law Amendment Bill. The same attitude towards the constitutional advance policy is evident in a number of speeches, though members of the Assembly are not Congressmen but co-operators.

"... The contemplated scheme as it has emerged from the Conference, the signatories (of the memorandum) are constrained to observe that unless materially altered, it would grievously fall short of those essentials *and will fail to secure the approval and support of any section of responsible public opinion in India.*"\* (Italics ours.)

### Co-operation and Consultation.

The Round Table Conference was announced in 1929 by the Labour Government and its objective was declared by Lord Irwin, the Viceroy of India, in these words† :—

"I am now able to define the functions (of the Conference) more precisely. After very careful consideration, His Majesty's Government has reached the conclusions that it would not be right to prescribe for the Conference any terms more limited than in my statement of November last, and that the Conference should enjoy full freedom. These words connote that the Conference will be free to approach its great task greatly assisted but with its liberty unimpaired by the report of the Statutory Commission, or by any other documents which will be before it. It is the belief of His Majesty's Government that by way of conference it would be possible to reach solutions that both countries and all parties and interests in them can honourably accept. Any such agreement at which the Conference will be able to arrive will form the basis of proposals which His Majesty's Government will later submit to Parliament. From such a definition of the scope of the Conference it is clear that His Majesty's Government conceive of it not as a mere meeting for discussion and debate, but as the joint assembly of representatives of both countries on whose agreement precise proposals to Parliament may be founded."

### The Prime Minister.

Mr. Ramsay MacDonald, as the head of the National Government, said in the House of Commons, on the 2nd December, 1931‡ :—

"... those who sit here (the Front Benches) have presumably the confidence of the majority of the House of Commons. Having that majority, the Government was charged with the duty of conducting negotiations, and those negotiations had to be carried on from Parliament to Parliament. . . .

"... regarding India, the Government must carry on these negotiations until a point was reached when the proposed agreement was initialled—a very well-known stage in the negotiations of treaties.

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\*Indian views on the White Paper : by the Rt. Hon. V. S. Srinivasa Sastri, and others; p.5. (Published by The India League, 146, Strand, W.C.2.)

† Viceroy's address to the Legislative Assembly on the 9th July, 1930.

‡ *Parliamentary Debates*, Vol. 260, No. 20, col. 1113.

When the parties to the negotiations had initialled it, then, at that point, the House of Commons was asked whether it agreed. If it agreed, that was all right. If it disagreed, most Governments would regard the disagreement as a vote of no confidence and take steps accordingly."

### **Parliament Ratifies.**

After the Prime Minister had thus expounded the functions of the Round Table Conference, and the Government's view of its own responsibilities in the Indian negotiations, the House of Commons resolved that :

"This House approves the Indian policy of His Majesty's Government, as set out in the Command Paper (Indian Round Table Conference) presented to Parliament on December 1st."\*

### **The White Paper.**

The third, and last, Round Table Conference came to an end and His Majesty's Government announced that it would issue its proposals in the form of a White Paper. It is a fair presentation of the facts to say that (1) it does not represent agreements reached, but contains the British Government's proposals ; (2) it has been rejected or declared totally inadequate by even the most moderate sections of Indian political opinion ; (3) it is the draft of proposals for consideration by a Joint Committee of the British Parliament† ; (4) no further stage of agreement or negotiations, as stated in Lord Irwin's announcements of 9th July, 1930‡, is now contemplated.

### **Past Pledges.**

Apart from these matters connected with procedure and consultation, the present policy of the Government is regarded in India as an abandonment of past pledges and a retrograde step.

British policy in relation to India was stated by Mr. E. S. Montague in the war years in these terms :

"Our conception of the eventual future of India is a sisterhood of States, self-governing in all matters of purely local interest. . . . Over this congeries of States would preside a central Government increasingly responsible to the people of all of them ; dealing

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\* *Parliamentary Debates*, Vol. 260, No. 21, col. 1413.

† Certain Indians were invited to attend the Committee and put questions, but they will have no share in drawing up the Report of the Committee, which is a Parliamentary body.

‡ See page 511.

with matters both internal and external, of common interest to the whole of India; acting as arbiter in inter-state relations and representing the interests of all India on equal terms with the self-governing units of the British Empire."

The Instrument of Instructions issued to the Viceroy runs :—

" . . . by the progressive realisation of responsible Government . . . British India may attain its due place among our Dominions."

More recently, on the 28th October, 1929, Lord Irwin announced at New Delhi :

" I am authorised, on behalf of His Majesty's Government, to state clearly that, in their judgment, it is implicit in the declaration of 1917 that the natural issue of India's constitutional progress, as there contemplated, is the attainment of Dominion status."

### **Delhi Pact Terms Broken.**

In the agreement reached between Lord Irwin and Mr. Gandhi at Delhi in March, 1931, Federation, Responsibility, and Safeguards, in the interests of India, were agreed to as the essential elements of constitutional policy. Present policy openly challenges the last item\* ; it both truncates and postpones responsibility so as to nullify it in practice.

### **Futility of Policy.**

Considered as a factor in the solution of the Indian problem, the "constitutional advance" aspect of the "dual policy" appears to have little to recommend it. It has few supporters in India. The Congress and its allied groups will offer stubborn opposition to it, whatever be the form that opposition takes. Leading Liberals, like Mr. Chintamani and Sir Chimanlal Setalvad, and the Liberal organisations, recommend its non-acceptance. Mr. Jayakar, who co-operated with the Joint Parliamentary Committee, is reported† to have stated that there is little chance of even the White Paper proposals being implemented by the present Government.

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\* Cf. views of the Rt. Hon. V. S. Srinivasa Sastri, "Indian Views on the White Paper," published by The India League. It is now the declared policy that the protection of British interests is an integral condition of any constitutional reform.

† Indian press reports.



### **The Prospect.**

It is seven years since the Simon Commission went out to India, and four years since the Round Table Conference was announced. No one can forecast how much time will elapse before the present proposals are passed by the Houses of Parliament or what form they will take.

"Constitutional advance," whatever its content be, is far away, while the first aspect of the Dual Policy is what India lives under. As an earnest of good faith the constitutional proposals and the method now pursued to inaugurate them find no favour in India; indeed, all India looks on them with great misgiving and hostility.

Can we look on this situation and feel that Britain's Indian policy offers hopes of peace and friendliness or represents any measure of political wisdom?

### **(III.) THE FUTURE.**

It is frequently stated that both the British Government and Indian Nationalism have the same objectives and the differences between them, sharp as they may appear, appertain only to the methods and the pace of advance. This is a vague and facile generalisation which, like the rest of its kind in politics, accommodates all pairs of opposites! It serves its purpose of mobilising on the side of reaction that large but undefined body of public opinion, of men and women of undoubted sincerity and goodwill, whose sentimental approach to the problems of politics is easily satisfied by this kind of eclecticism.

### **A Real Difference.**

Time and method, however, are of the essence of policies; they change and modify the character and content of political doctrine and measures. The demands of Indian nationalism, even of moderate schools, and British ideas and intentions in respect of constitutional advance in India, point in different directions, and between them there is a wide gulf. Indians, broadly speaking, are concerned with a government amenable to Indian opinion and responsive to Indian needs, which will place the interests of the Indian people above the imperial or national requirements of Great Britain or the interests of her British or Indian allies in India. They look forward to a government which will enable their country to take its place of equality and self-respect among

the nations of the world.\* They also think of the transition to the full functions of self-government in terms of a determined period, no longer than required for the necessary administrative readjustments. In other words, they decline to entertain or accept the ideas of probation and examination or any indeterminate period of transition. No amount of elaboration of the difficulties in the way of establishing such a government, or arguments about the unfitness of the Indian people to govern themselves, will serve to alter this view. Within the limits of the implications of these ideas, even the extremist will agree to compromises; in disregard of them no effective section of Indian opinion can accept terms.

British policy, on the other hand, regards the security and perpetuation of British interests in and trade with India† and the demands of British Imperialism as the keystone of any scheme of constitutional advance in India. It further considers Indian constitutional advance and, indeed, the destiny of India as matters on which Great Britain is the arbiter. Their content, method, and pace are to be determined by Great Britain.‡ It looks on Indian constitutional reform as that degree of concession which, in Imperial interests, it is prudent to make and which cannot be withheld without immediate danger.

One of the more radical supporters of the Government's Indian policy, *The Manchester Guardian*, expresses this view concisely when it says:

"We can neither govern nor get out, and so it is necessary to devise a constitution that seems like self-government in India and at Westminster like British Raj."

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\* It is no answer to this to say that India is an Original Member of the League of Nations or that she signed the Peace Treaties. India is represented at world conferences and at Geneva by Great Britain or her Indian nominees. Sir Samuel Hoare represented her at the World Economic Conference, while Lord Cushendun signed the Kellogg Pact on India's behalf. Indians who attend international conferences on behalf of the Indian Government are only representatives of the British authority in India and not of Indian opinion.

† This is not a claim against racial discrimination by a future Indian government against British citizens, but a demand to fortify in perpetuity the advantages that Great Britain has gained by the use of her political power. If accepted it would reduce self-government in India in the economic and fiscal sphere to a shadow and also render the political system undemocratic and inequitable.

‡ Cf. Preamble to the Government of India Act.

This is the most liberal interpretation of British policy. The more accurate presentation of it is reflected in the views of *The Times* when it says that the suspicion and disappointment in India caused by delays "*might lead to a dangerous head if months elapsed, without some concrete constitutional advance.*"\* (Italics ours.)

### **The Way Out.**

It is clear, therefore, that if the future held nothing more than or different from what present policies contemplate we can look forward with little hope to any agreeable prospect in India. Before we can entertain any such hopes the essential elements inherent in the present position, which render a settlement impossible, have to be removed.

Recent and past methods of Departmental Committees, Commissions and Round Table Conferences have failed. The ideas and the assumptions that they embody are sadly out of date. True, the Round Table Conference represented an advance on the older idea of examining committees; but the principle of free discussion and negotiation which was of its essence has been abandoned, and to-day the Round Table Conference method stands discredited.†

The forces of the Indian awakening have to be harnessed to the task of this settlement, the making of the new constitution must largely depend on the initiative, the sense of responsibility and the pride of effort of an awakened India.

### **Self-Determination.**

In other words, the way out is in recognising and in helping the fulfilment of the principle of self-determination. It is easy to dismiss it with such arguments as there is no "self" capable of determination and that even if there were it is the prerogative of the British Parliament to determine. The emergence of a "self" in this context

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\* This was written in June, 1932, by *The Times*. Constitutional advance is still far from achieved.

† The way that the delegates were hand-picked and dropped at successive conferences and the function of the conference itself altered has made the conference method suspect for ever in India. Any negotiations with the British Government, if it is to have Indian support, must be by Indian representatives who do not owe their title to the Government.

in definable form is itself a process in some ways parallel to the "determination." Granted the will to allow and to assist India in this task the time is opportune and the difficulties are not insurmountable.

### **A Constituent Assembly.**

The principle of self-determination, in our view, can be implemented only through a Constituent Assembly. An Indian All-Party Conference, like the one that drafted the Nehru Report, will not, in our view, meet the full needs of the situation. At an *ad hoc* conference false values tend to be conferred on representatives. An individual or a small group can, by threats to "walk out," defeat the purpose of the conference and challenge its basis, which is "all party" assent.

A Constituent Assembly, on the other hand, consists of representatives who have the mandate of their constituents and are amenable to a democratic procedure. There are recognised methods of ascertaining the view of such an Assembly, for providing for minority opinion and for give-and-take. There is nothing Utopian, and little that is novel, in the suggestions we make.

### **Franchise and Communities.**

It is essential that the representatives should be elected on an adult franchise, or as near adult franchise as possible. The initial difficulty that will be put forward by the cautious and the sceptical will be that this prejudices the whole issue of the settlement of the intercommunal difficulties in India. We think that *for the purposes of convening a Constituent Assembly* the present state of communal distribution in franchise and electoral arrangements should be accepted, and we have very good reasons for thinking that, as a compromise and in view of the tasks of such an Assembly, this arrangement will be acquiesced in by those who are against the fractionalisation of the electorate in a constitution as being both an undemocratic and unwise procedure. We would even go so far as to suggest that the Lothian Franchise, in spite of its falling short of adult franchise, should be accepted for this purpose to avoid delays and disagreements, subject, however, to the condition that the disabilities imposed on women under that Franchise, which is opposed by every section of feminine opinion in India, should be removed.

### **The Provinces.**

Constituent Assemblies on this basis should be convened in each province. These Provincial Assemblies will elect, by proportional representation, a Central Assembly. Proportional representation would provide that the Central Assembly, which deals with important matters of an all-India nature, would adequately mirror the divergences of opinion in the country. The Provincial Assemblies, in addition to electing a Central Assembly, would also deliberate upon and decide on all such matters as are decided by the Central Assembly as being of provincial concern exclusively, and also act as a body whose views will influence the opinion of the members in the Central Assembly elected by it. It may be argued that the relative functions of the Centre and the Provinces are one of the outstanding controversies in the Indian constitutional discussion. The answer is that this is precisely one of the points on which the Unity Conference at Allahabad was able to come to a very satisfactory agreement which reflects much credit on its authors and shows a remarkable degree of ingenuity and commonsense.

### **The States.**

The problem of the Indian States has been thrown into relief by the discussions of recent years and the plan of Federation that is the basis of the White Paper proposals. Indian opinion and the facts of the situation point to the necessity and the wisdom of the question of federation with the Indian States being left to the Constituent Assembly. This does not prejudge the issue. It is entirely practical to frame and work a constitution for a self-governing India which at the same time contains provisions for the entry of any new unit into the State that it creates. The plan is in keeping with British policy from the time of Warren Hastings till the present day.

### **Negotiation.**

The Constituent Assembly, after formulating their proposals, would appoint a delegation to negotiate with His Majesty's Government on all points on which such negotiation is necessary, and the agreement reached would become the subject of legislation by the British Parliament.

This procedure does not conflict with the legal sovereignty of Parliament or with precedent.\*

Under such a procedure, as we have suggested, the onus of reaching agreements, of negotiating compromises, the reconciliation of conflicting interests, would be thrown on the very people who have to work and live under the constitution. Their actions would be discussed in the Indian press and would receive the benefit of public criticism, which the Round Table procedure did not. At the same time, it does not demand a change-over till the new tracks and engines are ready.

### **Law and Order.**

The Constituent Assembly will have no responsibility for the government of the country, which would be carried on under the existing constitution and through the existing administrative machinery. It would, however, be necessary to ensure the maintenance of a comparatively calm atmosphere while the task of constitution-making is in progress, and both direct action and repression would have to be abandoned. It does not appear to us necessary to exaggerate this factor and make it a point of wrangle before the constitutional discussions can start.

A procedure of this type would cut away much dead wood, while at the same time it does not rule out the use of past experience or material which the Round Table Conference or Commissions have accumulated. The position so far as those are concerned will be much the same as contemplated by Lord Irwin in his speech on the 29th June, 1930.† It would shift the responsibility for producing a workable constitution on those on whom it should rest, the representatives of the Indian people.

### **A Workable Plan.**

If the processes of internal agreement in India protract the proceedings of the Constituent Assembly, the delay would not in itself conduce to the breeding of suspicion and resentment, as is, and would be, the case when conferences and committees are responsible for such delay.

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\* Cf. The New South Wales Constitution Act, 1855, The Victorian Constitution Act, 1855, The Tasmania Act of 1856, The Western Australia Act, 1896. Also the History of the Federal Constitution of Australia, and of the South Africa Act, 1909.

† See page 511.

A Constituent Assembly is open to none of the objections usually raised against self-government for India ; indeed, it would test the validity of most of them in a very practical and definite way. It would harness the Opposition to constructive work and pave the way for the birth of political parties within the constitution instead of the main Opposition being outside. It is only those who fear an agreement amongst Indians and want to avoid their presenting this country with a definite set of proposals, which would undoubtedly mean the surrender of power, that would find this plan unworthy of consideration.

In India we discussed the elements of this plan with such nationalist leaders as were outside prison, and we have no reason to think that it will not find a response there if it is seriously put forward by this country.

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## APPENDIX I.

# THE INDIA LEAGUE

(formerly The Commonwealth of India League)

Headquarters: **165 STRAND, LONDON, W.C.2.**

*Chair man :*

**BERTRAND RUSSELL.**

*Telephone :* Temple Bar 3689.

*Treasurer :*

**ANNE C. WILKINSON.**

*Vice-Chairman :*

**J. F. HORRABIN.**

**OBJECT:**

**To support the Claim of India  
for Swaraj (Self-Rule).**

*Secretaries :*

**JAMES MARLEY.**

*Parliamentary Secretary :*

**TOM WILLIAMS, M.P.**

**V. K. KRISHNA MENON.**

## DELEGATION TO INDIA.

### LETTER OF APPOINTMENT OF DELEGATES.

*(The following is a copy of the letter sent to each of the four members of The India League Delegation. It serves to explain in a short compass the nature of the task that the delegates set out to do and also the more specific problems that they sought to study.)*

Dear . . .\*

The Executive Committee of The India League desires us to convey to you its grateful appreciation of your acceptance of membership of its delegation to India, and to wish you a successful tour.

The Committee considers it desirable that your tour itinerary and other details relating to the work of the Delegation should largely be left to your collective judgment and it is happy to leave it so. It was suggested, however, that we should communicate to you the Committee's conception of your task, its scope and limitations.

The Delegation is being sent for the purpose of collecting first hand information about the state of affairs in India and the trend of opinion there, and to make a report on its return to this country. It is hoped that this report will serve as a basis for more intensive education of public and Parliamentary opinion in this country.

Speeches while in India, or articles or statements in the Indian press, and views of individual delegates for publication, are, in the view of the Committee, undesirable. It also considers that the Delegation would be well advised to reserve till its return to this country publication of views or facts in the press here. In the event of any statement having to be made to the Indian press or journalists, such a statement should be of a joint character and be issued in the name of the Delegation by the Secretary.

The Executive Committee fully appreciates the character of the Delegation's work and realises that it will have to act on its own initiative and responsibility according to the circumstances that arise from time to time, and we are asked to assure you that the Committee has confidence in your judgment and discretion.

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\* Name of member of the Delegation.



During the discussion of the work of the Delegation the following facts were mentioned as specially worthy of attention by Members:

1. How the Police work; prison conditions.
2. Meet men and women of all parties, official and non-official, Indian and British, Congress, Moderate, Conservative, Hindu and Moslem, etc.
3. Ascertain what sections would, willy nilly, support an imposed constitution, and what sections would line up with the Government in an attempt to establish it.
4. What steps do the hitherto co-operating sections propose to take in the event of there being no return to the R.T.C. method and to what extent would such a return improve the situation.
5. The actual position with regard to Moslem opinion; to what extent young Moslems are Nationalist, and to what extent the co-operating Moslems are in favour of the imposed constitution and all facts relating thereto.
6. Poverty, industrial and agricultural.
7. The influence of Mr. Gandhi; how far affected by the parties of the left and the right.
8. The working of the Cat and Mouse procedure.
9. How far is the national feeling existent in the villages. The Trade Unions and their relation to the political question; their general strength and condition.
10. Official and British feeling, as far as ascertainable, about the results of the events of recent years and in regard to the future.

The Executive Committee has directed the Secretary of the Delegation to keep such funds as are available after paying out for passages, etc., in a pooled fund and to expend it as far as possible equally on the Members of the Delegation. The total funds available is short by about £200 of what is estimated to be the minimum required for the purpose. Unless the resources are supplemented in India hereafter its tour will have to be curtailed.

All good wishes,

Yours sincerely,

J. F. HORRABIN  
(Vice-Chairman).

JAMES MARLEY  
(Joint Secretary).

2nd August, 1932.

## APPENDIX II.

### POLICE RAJ.—I.

The following figures about beatings and lathi charges in various districts over a period indicate the extent to which the police used force in the way we have mentioned in these pages :

Period.	Place and Districts.	Lathi Charges.	No. Injured.	Beaten.	In Lock-up.
Jan. 6-Sept. 30.	Ahmedabad	15	289	150	
" "	Kaira ...	65	1,084	150	
" "	Broach ...	Gujerat	2 not known	50	
" "	Surat ...		24	1,050	185
" "	Pancha Mahals		14	215	25
	Totals	120	2,638	560	
January-June.	Mangalore	Karnatk	1,000	—	
" "	Karwar...		500	—	
	Total		1,500		
Jan. 1-June 30.	Madras ...	101	539*	1	
" "	Chingleput	1	2	—	
" "	N. Arcot	11	56	6	
" "	S. Arcot	13	27	—	
" "	N. Tanjore	3	3	—	
" "	S. Tanjore	13	14	—	
" "	Trichinopoly	Madras	2	6	2
" "	Dindigul	(Tamil Districts)	5	10	—
" "	Karaikudi	14	26	2	
" "	Madura...	48	177	2	
" "	Ramnad	40	135	6	
" "	Tinnevelly	59	179	9	
" "	Coimbatore	16	110	10	
" "	Salem ...	9	47	1	
	Totals	335	1,331	39	
Period.	Place and District.	Lathi Charges.	No. Injured.	Beaten.	In Lock-up.
January-June. (first 6 months)	Midnapore District (including Contai, Tamluk, Ghatal, etc.)	307	6,933†	(Not available)	
	Totals	307	6,933		

\* Figures of injured and beaten persons for each of the above towns in the Tamil districts represent *only* the number of volunteers injured and beaten. It has been found in these districts that by limiting the statistics to actual number of volunteers it was possible to get figures that were more accurate.

† Men, 6,445; Women, 488.

## APPENDIX III.

### POLICE RAJ.—II.

#### THE FIRST MONTH OF THE ORDINANCES.

#### Principal Casualties in One Area (Gujarat) in One Month\*:

January, 1932.			
Date.	Place.	Details.	Figures
7th.	Nadiad ...	A protest meeting against the arrest of leaders. <i>Lathi</i> charge. Children and old men among injured. People who had got off the train at the railway station close by were set upon ...	100
9th.	Surat ...	Meeting at Gandhi Chowk. Three severely injured taken to hospital ...	25
9th.	Aat ...	Severe <i>lathi</i> charge on a public meeting. Those still on their way attacked by Police. A second charge after crowd had begun to disperse ...	(Not available)
9th.	Bulsar ...	A meeting held in Chipwad ...	4
10th.	Surat ...	A large gathering of 5,000 in protest against the arrest of Dr. Ansari ...	(Not available)
10th.	Surat ...	Another meeting at Gandhi Chowk. Rushed by <i>lathi</i> charge ...	(Not available)
10th.	Karadi ...	Flag-saluting assembly ...	...
12th.	Ahmedabad	Gathering on the bank of the Sabarmati. Mounted police charge. Women dragged by hair and knocked down. One of the injured taken to hospital, developed tetanus and died ... Later, a procession going to Manek Chowk	50
12th.	Jalalpore ...	Public meeting. Drivers of buses and cars prohibited from removing wounded. A driver's assistant manhandled ...	...
12th.	Karadi ...	Gandhi March Day. Procession diverted into a narrow lane and charged. Children trampled upon. Thirty women injured	100 (35 women)
12th.	Surat ...	General violent attacks throughout the city throughout day. Houses entered and inmates beaten without provocation ...	...

\* Indicating the widespread character of the Repression and the frequency of intervals at which major "clashes" took place. We have taken as our instance Gujarat, in one month, and noted only the principal items.

Date.	Place.	Details.	Figures.
13th.	Ahmedabad	Procession at Panchkuva rushed. People who fell senseless after prolonged beating were further beaten. Twenty removed to hospital ... ..	35
		Another procession at "Three Gates" ...	
		A third procession on the same day ...	
14th.	Viramgam	A gathering near the Customs House ...	
		A procession near the Chowksi Bazaar ...	150
14th.	Bulsar ...	A public meeting broken by lathi charge. Three prominent Nationalists severely injured ... ..	
14th.	Dahod ...	Wanton lathi charge on a <i>prabhat pheri</i> . (A <i>prabhat pheri</i> is a group of men and women that go the rounds of the village at dawn singing national songs.)	
		Two other parties of <i>prabhat pheri</i> beaten up by police ... ..	20
16th.	Dahod ...	Procession. Four women, 3 children and 40 boys severely beaten ... ..	104
18th.	Dahod ...	Lathi charge on procession ... ..	
19th.	Anand ...	A procession of men released from police custody beaten up. Police rushed the premises of the Charotar Education Society and beat inmates ... ..	5
19th.	Borsad ...	A procession attacked. Those participating squatted down on the road and were beaten	12
19th.	Umreth ...	Crowd dispersing after a meeting addressed by Shrimant Sulochanababen. Non-political meeting. A school teacher one of the more severely attacked victims ... ..	
19th.	Borsad ...	Procession at Dhundhakuva. Also at Pandoli	
26th.	Borsad ...	Bulletin distributors chased and caned. Independence Day procession at Dhundhakuva. A continued half-hour lathi charge. Many women beaten. One slapped even after she fell down. Fifteen women injured by lathis ... ..	40
26th.	Surat ...	Students dispersed by a caning orgy. Mr. Antia, Deputy Police Superintendent, led the beating ... ..	
		Meeting in Sitaranpur ... ..	30
		Another meeting with a number of women receiving injuries ... ..	
29th.	Godhra ...	Lathi attack on those detained in the local sub-jail ... ..	6
29th.	Surat ...	Procession broken up. Students beaten for going on strike. Some who took shelter in certain hotels were followed and beaten	

## APPENDIX IV.

### THE TOLL OF REPRESSION.

To give an idea of the extensive scale on which Government has carried out its policy, we append below the data of figures of arrests in a number of districts over a period :

Place and District.	January-June.			Convic-		Fines.	
	No. Arrests.	Men.	Women.	tions.	Men.	Women.	Rs.
Midnapore District...	13,731	9,680	4,051	1,846	1,723	123	10,000
Arambagh, Hughli Dt.	906			650			
*Tamil Districts ...	3,942			1,082			47,740
<i>Karnatak Districts:</i>							
Dharwar ...	955	900	55	669	650	19	
Belgaum ...	730	700	30	678	670	8	
Bijapur ...	400	394	6	252	246	6	
Bellary ...	40	38	2	29	27	2	
Karwar ...	1,419	1,400	19	669	650	19	
Mangalore ...	852	837	15	256	241	15	
Coorg ...	100	97	3	100	97	3	
Bangalore...	137	137	—	137	137	—	
Totals ...	4,633	4,503	130	2,790	2,718	72	
†Kaira District ...	4,715			977			56,145
Ahmedabad ...	2,793			572			
Surat... ..	837			535			

\* The following towns are included in the statistics given against the Tamil Districts :

Madras.	Chingleput.
N. Arcot.	N. Tanjore.
S. Arcot.	S. Tanjore.
Trichinopoly.	Dindigul.
Karaikudi.	Madura.
Ramnad.	Tinnevely.
Coimbatore.	Salem.

† The following talukas are included in the statistics given against the Kaira District :

Borsad.	Anand.
Nadiad.	Natar.
Mahembadabad.	Thasra.
Kapadvanj.	

## APPENDIX V.

### CHARGE SHEET.

District: Karwar. Police Station: SIDDAPUR. (Bombay Presidency.)  
Charge Sheet No. 45, or F.I.R. No. 39. Date, 26/7/1933.

Complainant : Government, by Mahomed Yakub Sheik Adam, Sub-Inspector of Police, SIDDAPUR.

Accused: Mr. S. Venkatapathaiya, Advocate, Bangalore, Mysore State.

### CHARGE.

That the accused, being a person aiding and abetting the activities of the Siddapur Karanatak Provincial Congress Committee, declared unlawful, brought to Siddapur on 1/9/32 at 10 a.m. Mr. Leonard Matters, an European, to show him the manner in which the Congress activities were carried on in Siddapur and Sirsi in the year 1932. The agitators of Siddapur, being previously informed of their coming, were waiting for them, and on seeing them the people raised cries of Jai, when the accused informed those assembled that the said Mr. Matters had come to India to learn for himself the extent of the agitation, and that the accused had come to show Mr. Matters the activities he conducted on behalf of the Karnatic Provincial Congress Committee, and that they would send relief money to those non-co-operators whose lands were all attached and were in trouble, and instigated and encouraged about 25 of the agitators assembled there to take out Prabhat Feris, etc., without fear and to intensify the agitation and thus create an impression on the visitor, and also abetted starting of Prabhat Feris and created not only a disturbance there but later on went to Sirsi with the said European and there also instigated the agitators and abetted the taking out of Prabhat Feris and other activities of the agitation and created a disturbance. Hence charge-sheeted under Section 17 (1), Criminal Law Amendment Act, 1908, for furthering the activities of the Karnatic Provincial Congress Committee, declared unlawful.

### Witnesses :

1. Devayya Veerayya Gowda Patel (village police officer), Siddapur.
2. Vital Ramachandra Shetty, Shanbhogue (village accountant), Shiralagi, Siddapur.
3. T. D'Souza, Police Head Constable, Siddapur.
4. Sheik Hussain Sheikt Budan, Police patel (village police officer), Sirsi.
5. Durganna, Shanbhogue (village accountant), Sirsi.
6. Khasim, Police Head Constable, Sirsi.
7. G. M. Mangooli, Police Inspector, now at Karwar.
8. Rama Vikunta, Police Sub-Inspector, now at Kumta.

(Signed) MAHOMED YAKUB SHEIK ADAM,  
Sub-Inspector of Police,  
Siddapur.

Note.—The above was received after the chapters of the Report were in type. It provides evidence of the official attitude towards those who tried to give us information. If Mr. Venkatapathaiya was really guilty, why was he not arrested at the time of the alleged offence, and not nine months later?

Note all the witnesses are police and subordinate Government officials.

## APPENDIX VI.

### ATTACHMENTS OF FARM ANIMALS, IMPLEMENTS, &c.

List of attachments, on two days, taken at random from press reports, which show that plough animals are taken and sold for ridiculous prices to recover Government taxes :

On 1/1/33 the P. P. of Union No. 6 with the Collecting Panchayet and several Choukidars attached cows, bullocks and other movables of the following persons for non-payment of Choukidari Tax.

One bullock and a pitcher belonging to Basanta Kumar Jana was attached for his tax, As. 8 only. Two cows and one bullock belonging to Dharendra Nath Jana were attached for his tax Rs. 7-8. One cow belonging to Prahlad Jana was attached for his tax Rs. 7. One bullock belonging to Sagar Ch. Dhara was attached for his tax As. 8. One bullock belonging to Bhima Charan Dhara was attached for his tax As. 8. One bullock belonging to Gangadhar Dhara was attached for his tax As. 8. One bullock belonging to Tarani Charan Samanta was attached for his tax R. 1-8. One bullock belonging to Gopal Chandra Maiti was attached for his tax Rs. 2-4. One bullock belonging to Surendra Nath Maiti was attached for his tax As. 10. One bullock belonging to Gangadhar Fadikar was attached for his tax Re. 1-2. Movables worth Rs. 11 belonging to Kshirad Chandra Maiti and Surendra Nath Maiti for their tax Rs. 2-8.

On 27/12/32 and 31/12/32 Mihir Hatai, son of the Collecting Panchayet of Union No. 3, attached cows and bullocks of the following persons of Mudibar for non-payment of Chowkidari tax :

Two calves belonging to Krishna Charan Pakhira were attached for his tax As. 12. One bullock belonging to Nilmoni Pakhira was attached for his tax Re. 1-4. One bullock belonging to Sashi Bhusan Pakhira was attached for his tax As. 12. One bullock belonging to Pitamber Maiti was attached for his tax Re. 1-4. One cow belonging to Sripati Charan Maiti was attached for his tax Re. 1-4. One cow belonging to Prahlad Chandra Maiti was attached for his tax As. 12. One bullock belonging to Iswar Chandra Ghorai was attached for his tax As. 8. One bullock belonging to Titaram Gataih was attached for his tax As. 12. One cow belonging to Shibi Dasi was attached for her tax As. 12.

**Note.**—This state of affairs still obtains, according to our information. The above particulars relate to the beginning of 1933, fully twelve months after the Ordinances were put into operation.

## APPENDIX VII.

### A SAMPLE ITINERARY.\*

**Tour of Gujerat (Bombay Presidency). From 19th October to 31st October, 1932.**  
(Two Parties.)

#### I.—FIRST PARTY.

- Oct. 19. 9.13 p.m. Arrived at Ahmedabad from Delhi. Was informed that Mr. Chaganlal Joshi, who was to have accompanied the Delegation in Gujerat, had been arrested at the railway station.
- „ 20. From 8 a.m. to 5.30 p.m. Visited Mr. Gandhi's Ashram. Interviewed Mr. Irwin, the District Magistrate. Interviewed Untouchables, Mohammedans. Visited Swadeshi Bazaar, Textile Labour Union, and All-India Spinners' Association.
- 6.30 p.m. Met Lady Vidyagauria Nilkanth, Sheth Kasturbhai Lalbhai (mill-owner and ex-M.L.A.), and Dewan Bahadur Harilal Desai (ex-Minister, Bombay). Garden Party. Met leading citizens.
- 10.15 p.m. Left Ahmedabad (for the villages), Mr. Pandya and another accompanying.
- „ 21. Midnight. Passed through Borsad.
- 1 a.m. Arrived at Bhadran (Baroda—Indian State Territory).
- 5 a.m. Left Bhadran by car. Reached Bochansan village before daybreak. Walked through village to the house of the host. Witnessed lathi charge on procession celebrating Dharasana Salt Raid day, by remaining on balcony unnoticed by police.
- 8.30 to 11 a.m. Inspected village ; met Headman and others. Went into a number of houses. Saw wrecking of utensils, etc.
- Noon. Lunch in a house in temple premises.
- 2.30 p.m. Left by car for Ras. Stayed in Ras for over two hours and saw police encampment of crops, destruction, houses and interviewed people.
- 9.45 p.m. Passing through Dhundakuwa, Petlad and Sunav, reached Pimplav village. Explained to villagers the purpose of the tour. Statements recorded till midnight. Sent messenger for a fresh set of cinema film spools, our supply having run out.

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\* This is a complete itinerary of our tour in Gujerat. All four members of our party were not in the area for all the 12 days covered by this time table which we print to enable the reader to know the extent and nature of our investigations.



Oct. 22.

- 7 to 11 a.m. Slept on the terrace of the Temple of the Goddess Ashapuri (the Fulfiller of Hopes). One of the delegates recorded statements and interviewed villagers. Another visited neighbouring village by car. Held up by non-arrival of messenger sent for cinema film. Messenger arrived late. Said that five armed police with fixed bayonets threatened to shoot unless he stopped the car. Police boarded his car, made him drive to the Sub-Inspector of Police of Borsad, who confiscated the films. Mr. Pandya went to get back the films and with instructions to join party either at Gana or Nadiad.
- 2.30 p.m. Left Pimplav. Passed Sandesar, where three men from among those who had collected to receive Delegation had been arrested.
- 4 p.m. Arrived at Gana.
- 9 p.m. Reached Nadiad. (Host, Mr. Dadubhai Desai, ex-M.L.C.) Mr. Pandya returned with the films. He brought the news of the arrest of three men who had motored to Anand to receive the Delegation. Met people, also gathering of Untouchables and reformers in a new temple.

„ 23 (Sunday). 12.18 a.m. Left Nadiad by train.

#### Surat District.

- Oct. 23. 5.43 a.m. Reached Surat. Sent letter to Mr. C. M. Gandhi, Pleader, for appointment at Surat Station at 10 p.m. Sent letter to Mr. Kothawalla, District Magistrate, asking for appointment at 8 p.m. Motored to Anavil Students' Ashram and Patidar Students' Ashram, both attached by Government.
- 8.25 a.m. Left Surat by train.
- 9.47 a.m. Arrived at Bardoli. Saw *Swaraj Ashram* and *Khadi Karyalala* (Factory for Spinning Wheels), both attached. Was followed in bus by two Sub-Inspectors of Police. Met Mr. Laxmidas, Khadi Worker, and Dr. (Miss) Manjula Mashruwala.
- 11 a.m. Left Bardoli.
- 11.45 a.m. Arrived at Khoj-Pardi village. Made inquiries in the village and took statements. Inspected sealed house of a Congressman who had left village rather than pay tax, and the small thatched hut of his old mother and sister. Photograph and film taken. Left Khoj.
- 2.30 p.m. Passed through Bardoli and reached Vesma (Baroda Territory). Lunched, and later took statements from villagers. Found the Police car parked by the side of the Delegation's car.

- Oct. 23.— 5 p.m. Left Vesma for Navsari. During a temporary halt of the Delegation's car a bus carrying C.I.D. men passed us. Found there was no time to record statements at Navasari. Turned back towards Surat.
- 7 p.m. Arrived at Surat.
- 8 p.m. Interviewed Mr. Kothawalla, Acting District Magistrate.
- 10 p.m. At Surat Railway Station.
- „ 24. 12.46 a.m. Left Surat by train.
- 6 a.m. Arrived at Ahmedabad. Informed by letter by Mr. Irwin, District Magistrate, that Mr. Chhaganlal Joshi was being released. Guests of Mrs. Champaben Metha and her son, Mr. N. C. Mehta (both ex-prisoners).
- 11 a.m. Met Mr. Chhaganlal Joshi, who was released with orders to quit Ahmedabad within 48 hours.
- „ 25. 7.45 a.m. Left for Allahabad.

## II.—SECOND PARTY.

**Tour of Panch Mahals, Kheda, Broach and Surat Districts of British Gujerat, and Wagodia, Maroli and Navasara in Baroda State.** From 24th October, 1932, to 31st October.

- Oct. 24. 8.55 p.m. Left Ahmedabad by train.
- 11 p.m. Arrived at Baroda. Guests of Mr. Abbas Tyabji, retired Judge.
- „ 25. 9 a.m. By cars for the Panch Mahal District. Accompanied by Mr. Abbas Tyabji, Mr. Pandya, Mr. Chhotubhai Sutaria, Mr. Pranlal Munshi (the latter two local lawyers, and some others. Two cars and four taxis.
- 10 a.m. At Wagodia. Visited Library (Baroda State Libraries.)
- 11.30 a.m. Left Wagodia.
- 12.15 p.m. Reached Ramesara. Met village people and their houses. Could not record any statements as Police followed the Delegation everywhere.
- 2 p.m. Left for return to Wagodia, after having suggested that those who wished to give statements should walk in the direction of Wagodia, and that the Delegation would send back one of its cars, which would meet those villagers and drive them to Wagodia. Sent a car from Wagodia, but it returned with the information that over half-a-dozen men who had started out were detained by the Police.

- Oct. 25.— 5 p.m. Left Wagodia.  
 6 p.m. Arrived at Baroda. Attended party given by Mr. Chhotubhai Sutaria and Mr. Pranlal Munshi at Prof. Manekrao's Gymnasium. About fifty leading citizens present. A C.I.D. man from British India found among the guests and ejected.
- „ 26. 6.30 a.m. Left Baroda by train.  
 10.57 a.m. Arrived at Dohad. Lunch at Bhil Seva Mandal.  
 12.30 p.m. Left Dohad by car. A police constable in plain clothes got into the seat next to the chauffeur but was ordered to get out by the Secretary of the Bhil Seva Mandal.  
 1 p.m. Arrived at Mirakhedi Bhil Ashram and saw Bhil huts and people.  
 3 p.m. Left Mirakhedi. Back at Dohad at 3.30.  
 4.58 p.m. Left Dohad by train.  
 8.32 p.m. Arrived at Baroda.
- „ 27. 11.20 p.m. Left Baroda by train.

#### Kheda District.

- Oct. 26. 11.59 p.m. Arrived at Vasad.  
 „ 27. 12 noon. Left for Ras by car.  
 1.30 p.m. Halt at Bhadran (Baroda).  
 2 p.m. Arrived at Ras. Inquiries and statements.  
 4.45 p.m. Left Ras.  
 5.15 p.m. Reached Bhadran. Saw the Library and Gymnastic Performance.  
 5.35 p.m. Left Bhadran for Vasad by car.  
 6.25 p.m. Left Vasad by train.  
 7.10 p.m. Back at Baroda.  
 9 p.m. Left Baroda by train.

#### Broach District.

- Oct. 27. 10.30 p.m. Arrived at Broach and left by car for neighbouring villages.  
 „ 28. 1 a.m. Arrived at Masar Road. Guide we expected had gone to sleep, and accepted the services of another villager. Drove through very uneven roads (Local Board), overruin by thorny bushes.  
 3 a.m. Arrived at Gajera.  
 4.15 a.m. Arrived at Dudhwada. Left cars there and walked to Kareli.  
 5 a.m. Reached Kareli. Slept until 7 o'clock in Desai Parsotam's house.  
 8.30 a.m. Witnessed Congress procession from a back window. Head Constable Ahmedia looked up and saw a member of the Delegation. No lathi charge. Recorded statements of Valli Bapu. Found that Head Constable had walked in and was present during interview with Valli Bapu.

- Oct. 28— 10.30 a.m. Left Kareli by car. Halt at Kanhwa field and Jochipura.
- 12 noon. At Gajera, where we met a procession of 1,500 to 2,000.
- 3 p.m. Left Gajera. Passed through Piludera, where in the presence of Mahomed Mustapha, a constable, two boys testified that they were stripped naked and beaten by that constable.
- 4 p.m. Arrived at Uber, where a month before a Congress worker had died of typhoid in Visapur jail.\* On the way to Jambusar met Albha, a Mahomedan of Dabha, on horseback. He volunteered the information that he had bought 61 acres of confiscated land for about Rs. 800.
- 5 p.m. Reached Jambusar. Visited the Hanuman Temple and saw gymnastic performance by boys of the local gymnasium, organised chiefly by Congress workers, also *Arya Samaj* Girls' School.
- 8.30 p.m. Attended a party at which prominent local citizens were present. Guests of Mr. Dhanjibhai Thackersey for the night.
- Oct. 29. Walked through Jamboosar town. Heard that 25 Congress workers leading a procession were arrested. Released two hours later. Met the Borsad Magistrate (see above re films). Saw the President of the Municipality, a Mohammedan.
- 11 a.m. Left Jamboosar by car.
- 1 p.m. Reached Broach.
- 4.30 p.m. Lunch at Mr. Dinkarrao's, Pleader and President of Municipality. Met social and political workers at tea party given by Mr. Hiralal Narielwala, merchant and ex-M.L.C., and President of the Gujerat Political Conference held on June 14th at Ahmedabad, when over 500 were arrested (later released).
- 4.45 to 6 p.m. Called on Mr. Joshi, the District Magistrate of Broach.
- 6.15 p.m. Attended Party at Union Club. Officials and non-officials present.
- Guests of Mr. Dinkarrao for the night.

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\* Visapur Jail was once condemned as unfit for use, but has been pressed into service to keep political prisoners. It is a very bad jail, water particularly is bad.

Oct. 30.

Tea with Mr. Bhagwatlal Dave, a Congress worker. His daughter, Pushpa, aged 14, has been arrested fourteen times during the last three years for Congress activities. Witnessed Flag Salutation ceremony. Six men and two women were arrested.

**Surat District.**

- Oct. 30. 10.11 a.m. Left Broach with tickets for Navasari (train).  
1 a.m. Arrived at Maroli (Baroda) Dak Bungalow. Recorded statements of one man and a woman.  
3.45 p.m. Left Maroli by train.  
4.35 p.m. Arrived at Surat. Made inquiries about Gandhi pictures and calendars. Met Mr. Dixit, M.L.C. for Surat. To Rander and back by car. Met Mr. C. M. Gandhi, Mrs. Malvika, and others.  
9.35 p.m. Left Surat by train.  
10.21 p.m. Arrived at Navsari. Took statements of Mrs. Gangaben and others. Slept at the house of Mr. Jhaveri.
- „ 31. 6.30 a.m. Left Navsari by car. Arrived at Matwad, left the car there and walked to Karadi.  
8.30 a.m. Left Karadi.  
9.10 a.m. Arrived at Navsari.  
9.25 a.m. Took tickets for Kim. Bawamia, C.I.D. Sub-Inspector, took away a bus driver who was found talking to a Delegate. Passed Surat, where ticket collector checked our tickets and informed C.I.D., who had phoned to Kim.  
11 a.m. Arrived at Sayan. (We alighted here to shake off the C.I.D., who went on to Kim.) Inquiries re prohibition of white cap wearers from buses on the Kathor stand and the Olpad stand. Visited Police Station, the Head Constable of which had arrested Mr. Kantilal Gandhi, Mansukhlal Kumarsing and Babubhai Keshavlal for coming to Sayan wearing Gandhi caps and bringing Gandhi pictures for sale.  
11.40 a.m. Left Sayan by train.  
12.15 p.m. Reached Surat. Lunch at Station.  
1.22 p.m. Left Surat by train.  
7 p.m. Arrived at Bombay.

